



भारत का राजपत्र

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सं. 6} नई दिल्ली, फरवरी 5—फरवरी 11, 2012, शनिवार/माघ 16—माघ 22, 1933
No. 6] NEW DELHI, FEBRUARY 5—FEBRUARY 11, 2012, SATURDAY/MAGHA 16—MAGHA 22, 1933

भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृष्ठक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 25 जनवरी, 2012

का.आ. 512.—राष्ट्रपति, श्री परग पी. त्रिपाठी, वरिष्ठ अधिवक्ता का दिनांक 2 जनवरी, 2012 (अपराह्न) से भारत के उच्चतम न्यायालय में भारत के अपर महासौलिस्टर के पद से त्यागपत्र स्वीकार करते हैं।

[फा. सं. 18(8)/2007-न्या.]

ओ. पी. बागड़ी, उप विधि सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 25th January, 2012

S.O. 512.—The President is pleased to accept the resignation of Shri Parag P. Tripathi, Senior Advocate as Additional Solicitor General of India in the Supreme Court of India with effect from 2nd January, 2012 (AN).

[F. No. 18(8)/2007-Judl.]
O. P. BAGRI, Dy. Legal Adviser

कार्यिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, 23 जनवरी, 2012

का.आ. 513.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बिहार राज्य सरकार, गृह (पुलिस) विभाग की दिनांक 10 नवम्बर, 2011 की अधिसूचना सं. 1/सी.बी.आई. 80-03/2011/एच. (पी.)-8133 द्वारा प्राप्त सहमति से एसबीआई/एडीबी/ मुज्जफरपुर शाखा (कोड सं.-3100) से अवैध लेनदेन के संबंध में सदर पुलिस स्टेशन, मुज्जफरपुर, बिहार में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 406, 420, 467, 468, 471, 34 तथा 120-बी के अंतर्गत पंजीकृत दिनांक 11-5-2011 की एफआईआर सं. 176/2011 का तथा उपर्युक्त उल्लिखित अपराधों के संबंध में या उससे संबद्ध प्रयास, दुष्क्रिया तथा बड़यत्र तथा उसी संबंधवाहार में किया गया या उन्हीं तथ्यों से उद्भूत

कोई अन्य अपराध या अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों तथा क्षेत्राधिकार का विस्तार संपूर्ण बिहार राज्य के संबंध में करती है।

[फा. सं. 228/72/2011-एवीडी-II]

राजीव जैन, अवर सचिव

**MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS**

(Department of Personnel and Training)

New Delhi, the 23rd January, 2012

S.O. 513.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Bihar, Home (Police) Department vide Notification No. 1/C.B.I. 80-03/2011 H(P)-8133 dated 10th November, 2011, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Bihar for investigation of FIR No. 176/2011 dated 11-5-2011 under Sections 406, 420, 467, 468, 471, 34 and 120-B of the Indian Penal Code, 1860 (Act No. 45 of 1860) registered at Police Station Sadar, Muzaffarpur, Bihar relating to illegal transactions from SBI/ADB Muzaffarpur Branch (Code-3100) and attempt, abetment and conspiracy in relation to or in connection with the above mentioned offences and any other offence or offences committed in course of the same transaction or arising out of the same facts.

[F. No. 228/72/2011-AVD-II]

RAJIV JAIN, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवा एवं विभाग)

नई दिल्ली, 1 फरवरी, 2012

का.आ. 514.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21 की उप-धारा (1) के खण्ड (ग), धारा 21 के साथ पठित, द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री सुधीर अब्राहम (जन्म तिथि 26-11-1956) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए या अगले आदेश होने तक, जो भी पहले हो, भारतीय स्टेट बैंक के तिरुवनंतपुरम के स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[फा. सं. 3/12/2010-बीओ-I]

विजय मल्होत्रा, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 1st February, 2012

S.O. 514.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 21, read with Section 21A of The State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with Reserve Bank of India, hereby nominates Shri Sudhir Abraham (DoB : 26-11-1956) as a member on the Thiruvananthapuram local Board of State Bank of India, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 3/12/2010-BO-I]

VIJAY MALHOTRA, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 19 जनवरी, 2012

का.आ. 515.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, केंद्रीय फिल्म प्रमाणन बोर्ड का मुंबई सलाहकार पैनल गठित करती है तथा निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, उक्त पैनल के सदस्य के रूप में नियुक्त करती है। इससे इस मंत्रालय की दिनांक 10 नवंबर, 2009 की अधिसूचना संख्या 809/7/2009-एफ(सी) का अधिक्रमण होता है।

क्र.सं. नाम

1. श्री दिनेश पांचाल
2. सुश्री स्वेता आर. जाधव
3. श्रीमती देवकी आनंद त्रिवेदी
4. श्रीमती साधना सुधीर पाटिल
5. श्री अमोल हरीशचन्द्र गायकवाड़
6. श्री सुंजीत जे. पी. सिंह
7. श्री सुरेन्द्रकुमार वाई त्रिपाठी
8. श्री नरेन्द्र धर्माजी कोथेकर
9. श्री उद्धव यशवत धामे-पाटिल
10. श्रीमती मीना शेषगिरी नारगुंड
11. श्री प्रमोद गुगलिया
12. श्री वसीम खान
13. श्री गुरबिन्दर सिंह बाछेर
14. सुश्री ममता खांडेलवाल
15. श्री संतोष जगन्नाथ अवहद
16. सुश्री अश्विनी अनिल पांचाल

17. श्री आलोक श्रीवास्तव	63. श्री गिरीश कुमार गुप्ता
18. श्री रोहित पुंडलिक पोयरेकर	64. श्री संजीव कुमार टी. राठौड़
19. श्री महेश विश्राम धादीगांवकर	65. श्रीमती गुलशन बेगम
20. श्री सतपाल विनायक बाबले	66. श्री राजेश के. पटेल
21. श्री महमूद एच. हाकिमी	67. श्री स्वामीनाथ जायसवाल (पप्पू भड्या)
22. श्रीमती योगिता धनंजय अहेर	68. श्री सुखदेव एम. जायसवार
23. श्रीमती नीलिमा संजय नाइक	69. श्रीमती किरन श्रीवास्तव
24. सुश्री कल्पना जावेरी	70. श्री जवाहर किशनचन्द्र जागियासी
25. श्रीमती चारू शाह	71. श्रीमती यूनिस कृष्णन
26. श्री मुकेश सी. शर्मा (पप्पू शर्मा)	72. श्रीमती कनिका डांग
27. श्री सुरेन्द्रकुमार वाई. त्रिपाठी	73. श्री श्याम आनंद झा
28. श्रीमती शालिनी राठौड़	74. प्रो. (श्रीमती) नन्दिनी सरदेसाई
29. श्री सरताज मोहम्मद सरदार खान	75. श्रीमती नीला उपाध्याय
30. सुश्री फलोरा सैनी	76. श्री मोहन सिंह सैनी
31. श्री वसीम इश्तियाक खान	77. श्री प्रेम रतन शर्मा
32. श्री प्रमोद अच्छुतन रमन नाथर	78. श्रीमती गायत्री बरुआ
33. श्री रामचन्द्र अभंगराव	79. श्री मनोज जे. कटपरा
34. श्री विकास पांडुरंग कांबले	80. डॉ. योगेश दूबे
35. श्री सतीश कल्यांकर	81. श्रीमती जयश्री एस. काम्बले
36. श्री दिनेश तुकाराम चवन	82. श्री सुप्रीत मनिकांतन
37. सुश्री माधवी कुमारी सिंह	83. श्रीमती नसीम मेहता
38. श्री प्रवीन तयप्पा सोनावाने	84. श्री बेकल के. कृपलानी
39. श्रीमती सरोज नारायण	
40. सुश्री देवयानी किरन	
41. श्री नितिन एकनाथ अपेबेरकर	
42. श्री राजन दत्तात्रेय पारकर	
43. श्री संजय कुमार एस.	
44. श्री संदीप बाबनराव वाजले	
45. श्री विजय के. सिंह	
46. श्री शांताराम के. वालिंजकर	
47. श्री शोएब अली युनुस अली मीर साहेब	
48. श्री रंजीत एस. चवन	
49. श्री आशीष छोटेलाल दूबे	
50. श्री प्रदीप धनजी पांडे	
51. श्री गणेश भागुजी कारले	
52. श्री कृष्ण बिहारीलाल वाधवा	
53. श्री सालेह गुल खान (सालिफ बालूची)	
54. डॉ. किरन के. पटेल	
55. श्री अमन अग्रवाल	
56. श्री पुनीत बागरोडिया	
57. श्री दिनेश शंकर पाटिल	
58. श्री धनजय चन्द्रशेखर जुनारकर	
59. श्री अब्दुल कादर अब्दुल्ला	
60. श्री प्रशांत मेहता	
61. श्रीमती मोहिनी कालंतरी	
62. श्री आसिफ खान	

[फा. सं. 809/2/2011-एफ(सी)]

के. रामाकृष्णन, उप-सचिव (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 19th January, 2012

S.O. 515.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Mumbai advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier. This supersedes this Ministry's Notification No. 809/7/2009-F(C) dated 10th November, 2009.

Sl. No. Name

1. Shri Dinesh Panchal
2. Ms. Shweta R. Jadhav
3. Smt. Devaki Anand Trivedi
4. Mrs. Sadhana Sudhir Patil
5. Shri Amol Harishchandra Gaikwad
6. Shri Sujeeet J.P. Singh
7. Shri Surendrakumar Y Tripathi
8. Shri Narendra Dharmaji Kotekar

9.	Shri Uddhav Yashwant Dhage - Patil	54.	Dr. Kiran K. Patel
10.	Smt. Meena Sheshgiri Nargund	55.	Shri Aman Agarwal
11.	Shri Pramod Gugalia	56.	Shri Puneet Bagrodia
12.	Shri Waseem Khan	57.	Shri Dinesh Shankar Patil
13.	Shri Gurbinder Singh Bachher	58.	Shri Dhanjay Chandrashekhar Junnarkar
14.	Ms. Mamta Khandelwal	59.	Shri Abdul Kader Abdulla
15.	Shri Santosh Jagannath Avhad	60.	Shri Prashant Mehta
16.	Ms. Ashwini Anil Panchal	61.	Mrs. Mohini Kalantri
17.	Shri Alok Shrivastava	62.	Shri Asif Khan
18.	Shri Rohit Pundlik Poyarekar	63.	Shri Girish Kumar Gupta
19.	Shri Mahesh Vishram Ghadigaonkar	64.	Shri Sanjivkumar T. Rathod
20.	Shri Satpal Vinayak Wable	65.	Smt. Gulshan Begum
21.	Shri Mahmood H Hakimi	66.	Shri Rajesh K Patel
22.	Smt. Yogita Dhananjay Aher	67.	Shri Swami Nath Jaiswal (Pappu Bhaiya)
23.	Smt. Neelima Sanjay Naik	68.	Shri Sukhdev M Jaiswar
24.	Ms. Kalpana Javeri	69.	Smt. Kiran Srivastava
25.	Mrs. Charu Shah	70.	Shri Jawahar Kishinchand Jagiasi
26.	Shri Mukesh C Sharma (Pappu Sharma)	71.	Mrs. Eunice Krishnan
27.	Shri Surendrakumar Y. Tripathi	72.	Mrs. Kanika Dang
28.	Smt. Shalini Rathod	73.	Shri Shyam Anand Jha
29.	Shri Sartaj Mohammed Sardar Khan	74.	Prof. (Smt) Nandini Sardesai
30.	Ms. Flora Saini	75.	Smt. Neela Upadhye
31.	Shri Wasim Ishtiyaque Khan	76.	Shri Mohan Singh Saini
32.	Shri Pramod Achuthan Raman Nair	77.	Shri Prem Ratan Sharma
33.	Shri Ramchandra Abhangrao	78.	Smt. Gayatri Barua
34.	Shri Vikas Pandurang Kamble	79.	Shri Manoj J Katpara
35.	Shri Satish Kalyankar	80.	Dr. Yogesh Dubey
36.	Shri Dinesh Tukaram Chavan	81.	Smt. Jayashree S Kamble
37.	Ms. Madhavi Kumari Singh	82.	Shri Supreeth Manikantan
38.	Shri Pravin Tayappa Sonavane	83.	Smt. Naseem Metha
39.	Smt. Saroj Narayan	84.	Shri Bekal K Kriplani
40.	Ms. Devyani Kiran		
41.	Shri Nitin Eknath Ameberkar		
42.	Shri Rajan Dattatray Parkar		
43.	Shri Sanjaykumar S		
44.	Shri Sandeep Babanrao Vajale		
45.	Shri Vijay K. Singh		
46.	Shri Shantaram K Walinjkar		
47.	Shri Shoeab Ali Yunus Ali Mir Saheb		
48.	Shri Ranjit S Chavan		
49.	Shri Ashish Chotelal Dubey		
50.	Shri Pradeep Dhanaji Pande		
51.	Shri Ganesh Bhagaji Karale		
52.	Shri Krishan Biharilal Wadhwa		
53.	Shri Saleh Gul Khan (Saliff Balluchi)		

[F. No. 809/2/2011-F(C)]

K. RAMAKRISHNAN, Dy. Secy. (Films)

नई दिल्ली, 19 जनवरी, 2012

का. आ. 516.—चलचित्र (प्रमाण) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, केंद्रीय फिल्म प्रमाणन बोर्ड का दिल्ली सलाहकार पैनल गठित करती है तथा निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, उक्त पैनल के सदस्य के रूप में नियुक्त करती है। इससे इस मंत्रालय की दिनांक 10 नवंबर, 2009 की अधिसूचना संख्या 809/8/2009-एफ(सी) का अधिक्रमण होता है।

क्र.सं.	नाम		
1.	श्री संजय जैन	42.	श्री ओम प्रकाश चौहान
2.	श्रीमती रीता पांडा	43.	श्रीमती श्रुति राम कोच्चर
3.	सुश्री पूनम अहलूवालिया	44.	सुश्री दीपमाला मोहन
4.	श्रीमती शबाना खंडेलवाल	45.	श्री अनूप कुमार चौधरी
5.	श्री राकेश चौबे	46.	श्री लब्धु राम गर्ग
6.	श्रीमती रीता खत्री	47.	श्रीमती मंजुश्री मेही
7.	श्रीमती नीलोफर खान	48.	श्रीमती कुमारी बिभा
8.	श्री मनु यादव	49.	सुश्री कुन्जना सिंह
9.	डॉ. दुर्गेश त्रिपाठी	50.	श्रीमती बीना पंत शर्मा
10.	श्री सत्यम श्रीवास्तव	51.	श्री कलीमुल हफीज एलियास हिलाल मलिक
11.	डॉ. मेराज हुसैन	52.	पंडित हरि ओम शर्मा
12.	श्री ओम प्रकाश	53.	श्री अरुण मलिक
13.	श्री रंजन के पांडे	54.	श्री राज श्रीवास्तव
14.	श्रीमती मीनाक्षी सिन्हा	55.	सुश्री जया शुक्ला
15.	श्री डॉ. एस. आजाद	56.	श्री सी.पी. मित्तल
16.	श्री बलजीत बाली	57.	श्री प्रवीण चौधरी
17.	श्री देवेन्द्र सिंह	58.	श्री कुलदीप जांडा
18.	श्री भगवती पौरुष	59.	श्री कृष्णा दास चौधरी
19.	श्री डिम्पल राणा	60.	श्री भूपेश शर्मा
20.	श्री तारिक रजा खान	61.	श्री बृज भूषण त्यागी
21.	श्री कृष्णा कुमार	62.	श्री अखिल कुमार
22.	श्री नाथन सिंह माल्या		
23.	श्री शिव कुमार राय		
24.	श्री गुलशन लाल पराशर		
25.	श्री सूरज प्रकाश लड्डी		
26.	श्री केवल कृष्ण हांडा		
27.	श्री टी. एस. चावला		
28.	डॉ. (श्रीमती) चयनिका उनियाल पांडा		
29.	श्री वीर विकम सिंह		
30.	डॉ. मधुमिता चक्रवर्ती		
31.	श्री सागर मल बैध		
32.	श्री अयूब अली		
33.	श्री मोहम्मद शकील सैफी		
34.	श्री धीरेन्द्र कुमार		
35.	श्री सतिन्द्र मोहन		
36.	डॉ. रीता शर्मा		
37.	सुश्री शिल्पा धवन		
38.	श्री प्रकाश सिंह नेगी		
39.	श्रीमती तनु सिंह		
40.	सुश्री प्रिया सिंह		
41.	श्री अनिल कुमार कुकरेजा		

[फा. सं. 809/3/2011-एफ(सी)]
के. रामाकृष्णन, उप-सचिव (फिल्म)

New Delhi, the 19th January, 2012

S.O. 516.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Delhi advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier. This supersedes this Ministry's Notification No.809/8/2009-F(C) dated 10th November, 2009.

Sl. No.	Name
1.	Shri Sanjay Jain
2.	Mrs. Reeta Panda
3.	Ms. Punam Ahluwalia
4.	Smt. Shabana Khandelwal
5.	Shri Rakesh Chaubey
6.	Smt. Rita Khatri
7.	Mrs. Neeloufar Khan
8.	Shri Mannu Yadav
9.	Dr. Durgesh Tripathi
10.	Shri Satyam Srivastava

11.	Dr. Meraj Hussain	56.	Shri C. P. Mittal
12.	Shri Om Prakash	57.	Shri Praveen Chaudhary
13.	Shri Ranjan K Pandey	58.	Shri Kuldeep Janda
14.	Smt. Meenakshi Sinha	59.	Shri Krishna Das Choudhary
15.	Shri D.S. Azad	60.	Shri Bhupesh Sharma
16.	Shri Baljit Balli	61.	Shri Brij Bhushan Tyagi
17.	Shri Davendra Singh	62.	Shri Akhil Kumar
18.	Shri Bhagwati Paurush		[F. No. 809/2/2011-F(C)]
19.	Shri Dimple Rana		K. RAMAKRISHNAN, Dy. Secy. (Films)
20.	Shri Tarique Raza Khan		नई दिल्ली, 19 जनवरी, 2012
21.	Shri Krishan Kumar		
22.	Shri Nathan Singh Malya		का. आ. 517.—चलचित्र (प्रमाणन) नियम, 1983 के नियम
23.	Shri Shiv Kumar Rai		7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37)
24.	Shri Gulshan Lal Prashar		की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते
25.	Shri Suraj Parkash Laddi		हुए, केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड का बंगलौर सलाहकार
26.	Shri Kewal Krishan Handa		पैनल गठित करती है तथा निम्नलिखित व्यक्तियों को तत्काल प्रभाव
27.	Shri T.S. Chawla		से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी
28.	Dr. (Smt) Chayanika Uniyal Panda		पहले हो, उक्त पैनल के सदस्य के रूप में नियुक्त करती है। इससे
29.	Shri Veer Vikram Singh		इस मंत्रालय की दिनांक 10 नवंबर, 2009 को अधिसूचना संख्या
30.	Dr. Madhumita Chakraborty		809/5/2009-एफ(सी) का अधिक्रमण होता है।
31.	Shri Sagar Mal Baid		
32.	Shri Ayub Ali		
33.	Shri Mohd. Shakeel Saifi	1.	श्री सी.आर. नसीर अहमद
34.	Shri Dhirendra Kumar	2.	श्री जी. मंजूनाथ
35.	Shri Satinder Mohan	3.	श्रीमती मेरी निर्मला पीटर
36.	Dr. Rita Sharma	4.	श्रीमती अमिता रेड्डी
37.	Ms. Shilpa Dhawan	5.	श्री ए. जी. हरिगोपाल
38.	Shri Prakash Singh Negi	6.	श्रीमती निवेदिता वी.
39.	Smt. Tanu Singh	7.	श्री आर. नारायणस्वामी
40.	Ms. Priya Singh	8.	श्री एस. एम. पाटिल
41.	Shri Anil Kumar Kukreja	9.	श्रीमती अग. सुभाषिनी
42.	Shri Om Prakash Chauhan	10.	श्रीमती के. वी. चन्द्रबाधा
43.	Smt. Shruti Ram Kochhar	11.	श्री जेवी नारायणस्वामी
44.	Ms. Deepmala Mohan	12.	श्री एच.वी. कुमार
45.	Shri Anoop Kumar Choudhry	13.	श्री मोहम्मद इकबाल
46.	Shri Labhu Ram Garg	14.	डॉ. शंकर के. एन.
47.	Smt. Manjushree Maini	15.	श्री पी. वी. अभिलाष
48.	Smt. Kumari Bibha	16.	श्री एम. सथियामूर्ति
49.	Ms. Kunjana Singh	17.	श्री वाई. श्रीनिवास
50.	Mrs. Bina Pant Sharma	18.	श्री मुरलीधर एन. हलाप्पा
51.	Shri Kaleemul Hafeez alias Hilal Malik	19.	श्रीमती भुवनेश्वरी एस.
52.	Pt. Hari Om Sharma	20.	श्रीमती सैलजा
53.	Shri Arun Malik		
54.	Shri Raj Srivastava		
55.	Ms. Jaya Shukla		

क्र.सं. नाम

1. श्री सी.आर. नसीर अहमद
2. श्री जी. मंजूनाथ
3. श्रीमती मेरी निर्मला पीटर
4. श्रीमती अमिता रेड्डी
5. श्री ए. जी. हरिगोपाल
6. श्रीमती निवेदिता वी.
7. श्री आर. नारायणस्वामी
8. श्री एस. एम. पाटिल
9. श्रीमती अग. सुभाषिनी
10. श्रीमती के. वी. चन्द्रबाधा
11. श्री जेवी नारायणस्वामी
12. श्री एच.वी. कुमार
13. श्री मोहम्मद इकबाल
14. डॉ. शंकर के. एन.
15. श्री पी. वी. अभिलाष
16. श्री एम. सथियामूर्ति
17. श्री वाई. श्रीनिवास
18. श्री मुरलीधर एन. हलाप्पा
19. श्रीमती भुवनेश्वरी एस.
20. श्रीमती सैलजा
21. श्री बी. आर. नायडू

22. श्री एम. ए. सोमाशेखर	68. श्री के. एस. कृष्ण गोवड़ा
23. श्री के. आर. मंजुनाथ	69. श्री बी. एच. सुरेश
24. श्रीमती ज्योति सुनील	70. श्री एम. कृष्णामूर्ति
25. श्री पी. चरण तेजा	71. श्री अब्दुल घनी
26. सुश्री हर्षिता गांधी	72. श्री व्यास राव एम. एन.
27. श्री जयना एस.एल.	73. श्री शंकर एन. एस.
28. श्री एम. सी. सुंदरेशन	74. श्रीमती उमा राजशेखर
29. डॉ. जी. सैयद खदार	75. श्रीमती प्रमोदिनी किशन
30. श्री एच. एस. हेमनाथ कुमार	76. श्रीमती सौभाग्य लक्ष्मी
31. श्रीमती बी. सी. रानी	77. श्रीमती कविता कृष्णा
32. सुश्री रेशमा सुल्ताना	78. श्रीमती सावित्री के. एच.
33. सुश्री रंजना	79. श्रीमती इन्दुपती
34. सुश्री के शशिकुमारी	80. श्रीमती चंद्रा बागम्मा
35. श्री हरीश एस.	81. श्रीमती गीता विजयकुमार
36. श्रीमती महादेवम्मा	82. श्रीमती प्रमीलम्मा
37. श्री टी. एस. सुजीत बाबू	
38. श्री एम. सी. कुमार	
39. श्री के. एन. शेखर	
40. श्री के. रमेश बाबू	
41. श्री सी. के. प्रभाकर	
42. सुश्री फ्लोरा सैनी अका मयूरी	
43. श्रीमती पूर्णिमा, एम. एस.	
44. श्री के. मूनीराजू	
45. सुश्री भुवनेश्वरी अनिल	
46. श्री बुदल कृष्ण मूर्ति	
47. श्री आई. एच. संगमदेव	
48. श्री रुद्राणा हरथीकोटे	
49. श्रीमती (प्रोफेसर) उमा राजशेखर	
50. श्रीमती ऐश्वर्या वी	
51. श्रीमती आयशा जे	
52. श्रीमती (डॉ) नसीम बानु	
53. श्रीमती आर. शशिकला	
54. श्रीमती शुभा नाईक	
55. सुश्री सरस्वती जागिरदार	
56. श्री बी. एल. संपत कुमार	
57. श्रीमती गीता जयाधर	
58. श्री एन. नारायणस्वामी	
59. श्री जी. एस. श्रीनिवासन	
60. श्री एम. एन. गोपाल कृष्णा	
61. श्री ई. एस. सतीश कुमार	
62. श्री वी. ई. श्रीनिवासन	
63. श्री आर.आर. होमबाल	
64. श्री पंचाक्षरी	
65. श्रीमती सी. ख्वा	
66. सुश्री वनिता वसु	
67. श्री जे. जी. कवेरीअप्पा	

[फा. सं. 809/4/2011-एफ(सी)]
के. रामाकृष्ण, उप-सचिव (फिल्म)

New Delhi, the 19th January, 2012

S.O. 517.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Bangalore advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier. This supersedes this Ministry's Notification No. 809/5/2009-F(C) dated 10th November, 2009.

Sl. No. Name

1. Shri C.R. Naseer Ahamed
2. Shri G. Manjunatha
3. Smt. Mary Nirmala Peter
4. Smt. Amitha Reddy
5. Shri A.G. Harigopal
6. Mrs. Niveditha V
7. Shri R. Narayanaswamy
8. Shri S. M. Patil
9. Smt. R. Subhashini
10. Smt. K.V. Chandrabagha
11. Shri J.V. Narayanaswamy
12. Shri H.V. Kumar
13. Shri Mohamed Iqbal
14. Dr. Shankar K.N.
15. Shri P. V. Abhilash
16. Shri M. Sathiamurthy

17. Shri Y. Sreenivas	62. Shri V. E. Srinivasan
18. Shri Muralidhar N Halappa	63. Shri R. R. Hombal
19. Smt. Bhuvaneswari S.	64. Shri Panchakshari
20. Smt. Sailaja	65. Smt. C. Bhavya
21. Shri B.R. Naidu	66. Ms. Vanitha Vasu
22. Shri M.A. Somashekhar	67. Shri J. G. Kaveriappa
23. Shri K.R. Manjunatha	68. Shri K. S. Krishne Gowda
24. Smt. Jyothi Sunil	69. Shri B. H. Suresh
25. Shri P. Charan Teja	70. Shri M. Krishnamurthy
26. Ms. Harshitha Gandhi	71. Shri Abdul Ghani
27. Shri Jayanna S.L.	72. Shri Vyasa Rao M. N.
28. Shri M.C. Sundaresan	73. Shri Shankar N. S.
29. Dr. G. Syed Kadhar	74. Smt. Uma Rajshekhar
30. Shri H.S. Hemanath Kumar	75. Smt. Pramodini Kishan
31. Smt. B.C. Rani	76. Smt. Soubhagya Lakshmi
32. Ms. Reshma Sultana	77. Smt. Kavitha Krishna
33. Ms. Ranjana	78. Smt. Savithri K. H.
34. Ms. K. Shashikumari	79. Smt. Indumathi
35. Shri Harish S	80. Smt. Chandra Bagamma
36. Smt. Mahadevamma	81. Smt. Geetha Vijaykumar
37. Shri T. S. Sujith Babu	82. Smt. Prameelaamma
38. Shri M. C. Kumar	
39. Shri K. N. Shekar	
40. Shri K. Ramesh Babu	
41. Shri C.K. Prabhakar	
42. Ms. Flora Sainiaka Mayuri	
43. Mrs. Poornima, M.S.	
44. Shri K. Muniraju	
45. Ms. Bhuvaneshwari Anil	
46. Shri Budai Krishnna Murthy	
47. Shri I.H. Sangamdev	
48. Shri Rudranna Harthikote	
49. Smt (Prof) Uma Rajshekhar	
50. Smt. Aishwarya V	
51. Smt. Ayiesha J	
52. Smt (Dr) Naseem Banu	
53. Smt. R. Shashikala	
54. Smt. Shubha Naik	
55. Ms. Saraswathi Jagirdar	
56. Shri B. L. Sampath Kumar	
57. Smt. Geetha Jayandhar	
58. Shri N. Narayanaswamy	
59. Shri G. S. Srinivasan	
60. Shri M. N. Gopala Krishna	
61. Shri E. S. Sathish Kumar	

[F. No. 809/4/2011-F(C)]

K. RAMAKRISHNAN, Dy. Secy. (Films)

नई दिल्ली, 19 जनवरी, 2012

का. आ. 518.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड का तिरुवनंतपुरम सलाहकार पैनल गठित करती है तथा निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, उक्त पैनल के सदस्य के रूप में नियुक्त करती है। इससे इस मंत्रालय की दिनांक 10 नवंबर, 2009 की अधिसूचना संख्या 809/6/2009—एफ(सी) का अधिक्रमण होता है।

क्र.सं. नाम

1. सुश्री शालू मेनन
2. श्री विंसेन्ट डी पॉल एम
3. अधिवक्ता जी. भुवनेश्वरन
4. श्रीमती बिंदु सुरेश
5. सुश्री शशिकला मोहन
6. श्रीमती संथाम्पा वर्गीश
7. श्रीमती गिरिजा राज
8. श्री सी.एल. जोस

9. श्री साबू चेरियन
10. श्री चेम्पाजाहंती अनिल
11. श्री ए. जयप्रकाश
12. श्रीमती थंकामोनी दिवाकरन
13. श्रीमती बिनु रवि
14. श्री एस. जोशी
15. श्री श्रीमूला-नागरम मोहन
16. श्री थम्पी सुब्रमणियम
17. श्री के. श्रीकुट्टन
18. श्री के. आनंद कुमार
19. श्रीमती गिरिजा सेतुनाथ
20. श्री मुंजीनदू रामाचंद्रन
21. अधिवक्ता एम. मनोहरन पिल्लई
22. श्री सुधीर परमेश्वरन
23. श्रीमती उमा अलगाप्पन
24. डॉ. जौली जकारिया
25. श्री निजार मोहम्मद
26. श्री कवालूर मधु
27. श्री पी. एन. नौशाद
28. श्री एस. वी. मेनन
29. श्री एम. प्रेमचन्द्रन
30. श्री जोस पी. जे.
31. श्री जेनिंग्स जेकब
32. श्री अरूण पिल्लई
33. श्री सुरेश बाबू इलयाकूर
34. सुश्री लक्ष्मी पी. नायर
35. एडीवी (श्रीमती) पी. श्रीलता
36. श्री ए. के. नारायणन
37. अधिवक्ता मारियापुरम सी. श्रीकुमार
38. श्रीमती पी. एस. राजेश्वरी
39. श्री सिमोन पेरेप्पदन
40. श्री ए. माधवन पिल्लई
41. श्री प्रभाकरन
42. श्रीमती बिंदु गोपीनाथ
43. श्री ए. एम. डी. चेल्लादुर्रई
44. श्री ए. एम. दिलीप कुमार
45. श्रीमती बी. सुनीता
46. श्रीमती रंजना मेरी वर्गीश
47. श्रीमती एम. शांतम्मा पिल्लई
48. श्रीमती के. एस. सुधा

New Delhi, the 19th January, 2012

S.O. 518.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Thiruvananthapuram advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier. This supersedes this Ministry's Notification No. 809/6/2009-F(C) dated 10th November, 2009.

S. No Name

1. Ms. Shalu Menon
2. Shri Vincent D Paul M
3. Adv. G. Bhuvaneswaran
4. Smt. Bindu Suresh
5. Ms. Sasi kala Mohan
6. Smt. Santhamma Vargheese
7. Smt. Girija Raj
8. Shri C. L. Jos
9. Shri Sabu Cherian
10. Shri Chempazhanthi Anil
11. Shri A Jayaprakash
12. Smt. Thankamony Divakaran
13. Smt. Binu Ravi
14. Shri S. Joshi
15. Shri Sreemoola-nagaram Mohan
16. Shri Thampi Subramaniam
17. Shri K. Shrikuttan
18. Shri K. Ananda Kumar
19. Smt. Girija Sethunath
20. Shri Munjinattu Ramachandran
21. Adv. M. Manoharan Pillai
22. Shri Sudheer Parameswaran
23. Smt. Uma Alagappan
24. Dr. Jolly Zacharia
25. Shri Nizar Mohammed
26. Shri kavalloor Madhu
27. Shri P.N. Noushad
28. Shri S.V. Menon
29. Shri M. Premachandran
30. Shri Jose P. J.
31. Shri Jennings Jacob
32. Shri Arun Pillai
33. Shri Suresh Babu Elayavoor
34. Ms. Lakshmi P Nair
35. Adv (Mrs) P. Sreelatha

[फा. सं. 809/6/2011-एफ(सी)]

के. रामाकृष्णन, उप-सचिव (फिल्म)

36. Shri A.K. Narayanan
37. Adv. Mariapuram C. Sreekumar
38. Smt. P.S. Rajeswari
39. Shri Simon Pereppadan
40. Shri A. Madhavan Pillai
41. Shri Prabhakaran
42. Smt. Bindu Gopinath
43. Shri A.M.D. Chelladurai
44. Shri A.M. Dileep Kumar
45. Smt. B. Suneetha
46. Smt. Ranjana Mary Varghese
47. Smt. M. Shantamma Pillai
48. Smt. K.S. Sudha

[F. No. 809/6/2011-F(C)]

K. RAMAKRISHANAN, Dy. Secy. (Films)

नई दिल्ली, 19 जनवरी, 2012

का. आ. 519.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड का कटक सलाहकार पैनल गठित करती है तथा निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, उक्त पैनल के सदस्य के रूप में नियुक्त करती है। इससे इस मंत्रालय की दिनांक 10 नवंबर, 2009 की अधिसूचना संख्या 809/4/2008-एफ(सी) का अधिक्रमण होता है।

क्र.सं. नाम

1. श्री संतोष दास
2. श्री राजगोपाल मिश्रा (राजू मिश्रा)
3. सुश्री इति सामंता
4. डॉ. (श्रीमती) त्रिपुरा मिश्रा
5. डॉ. गोरहरि दास
6. श्री रामा दाश
7. श्रीमती मानसी प्रधान
8. सुश्री पुष्पांजलि सिंह
9. श्रीमती सस्मिता सुतार
10. श्रीमती संगीता गोसाई

[फा. सं. 809/9/2011-एफ(सी)]

के. रामाकृष्णन, उप-सचिव (फिल्म)

New Delhi, the 19th January, 2012

S.O. 519.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph

(Certification) Rules, 1983, the Central Government is pleased to constitute the Cuttack advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier. This supersedes this Ministry's Notification No. 809/4/2008-F(C) dated 10th November, 2009.

S. No. Name

1. Shri Santosh Das
2. Shri Rajgopal Mishra (Raju Mishra)
3. Ms. Iti Samanta
4. Dr (Smt.) Tripura Mishra
5. Dr. Gourahari Das
6. Shri Rama Dash
7. Smt. Manasi Pradhan
8. Ms. Puspanjali Singh
9. Smt. Sasmita Sutar
10. Smt. Sangita Gosain

[F. No. 809/9/2011-F(C)]

K. RAMAKRISHANAN, Dy. Secy. (Films)

नई दिल्ली, 19 जनवरी, 2012

का. आ. 520.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड का गुवाहाटी सलाहकार पैनल गठित करती है तथा निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, उक्त पैनल के सदस्य के रूप में नियुक्त करती है। इससे इस मंत्रालय की दिनांक 11 नवंबर, 2009 की अधिसूचना संख्या 809/5/2008-एफ(सी) का अधिक्रमण होता है।

क्र.सं. नाम

1. श्री बिमल कृष्णा सर्मा
2. सुश्री उत्पला बोरा
3. सुश्री रूनु देवी
4. सुश्री साहिबा अहमद
5. सुश्री लतिका तालुकदार
6. श्री चन्द्र प्रकाश गिरी
7. श्री प्रफुल्ल कुमार दत्ता
8. श्री तोरेन बोरे
9. बितोपन बोरबोराह
10. श्री भुवन लाहकर

[फा. सं. 809/10/2011-एफ(सी)]

के. रामाकृष्णन, उप-सचिव (फिल्म)

New Delhi, the 19th January, 2012

S. No. Name

S.O. 520.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Guwahati advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier. This supersedes this Ministry's Notification No. 809/5/2008-F(C) dated 11th November, 2009.

1. Shri Bimal Krishna Sarma
2. Ms. Utpala Bora
3. Ms. Runu Devi
4. Ms. Sahiba Ahmed
5. Ms. Latika Talukdar
6. Shri Chandra Prakash Giri
7. Shri Prafulla Kumar Dutta
8. Shri Toren Boro
9. Shri Bitopan Borborah
10. Shri Bhuban Lahkar

[F. No. 809/10/2011-F(C)]

K. RAMAKRISHNAN, Dy. Secy. (Films)

परमाणु ऊर्जा विभाग

मुंबई, 12 जनवरी, 2012

का. आ. 521.—केन्द्रीय सरकार, परमाणु ऊर्जा अधिनियम, 1962 (1962 का 33) की धारा 3 के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित अनुसूची में विनिर्दिष्ट क्षेत्रों को एतद्वारा प्रतिबंधित क्षेत्र घोषित करती है।

अनुसूची

प्रतिबंधित क्षेत्र का नाम	परिसीमाएं अथवा अन्य विवरण
(1)	(2)
फोर्ट प्रभाग की सीएस सं. 41 और 42 के अंतर्गत शामिल : अणुशक्ति भवन, ओल्ड याट क्लब बिल्डिंग और उसके आस-पास का परिसर, छत्रपति शिवाजी महाराज मार्ग, मुंबई-400001	कॉलम (1) के अंतर्गत विनिर्दिष्ट अणुशक्ति भवन, ओल्ड याट क्लब बिल्डिंग और उसके आस-पास का परिसर निम्नलिखित से घिरे हैं : उत्तर-पश्चिम में—सीएस सं. 40, धनराज महल दक्षिण-पश्चिम में—छत्रपति शिवाजी महाराज मार्ग उत्तर-पूर्व में—सीएस सं. 44, भारतीय नौसेना गोदान दक्षिण-पूर्व में—समुद्र-तट (बंदरगाह)

[फा. सं. ईए/19(1)/2006-ईआर]

राहुल कुलश्रेष्ठ, संयुक्त सचिव

DEPARTMENT OF ATOMIC ENERGY

Mumbai, the 12th January, 2012

S. O. 521.—In exercise of the powers conferred by clause (d) of Section 3 of the Atomic Energy Act, 1962 (33 of 1962), the Central Government hereby declares the areas specified in the Schedule below to be prohibited area.

SCHEDULE

Name of prohibited area	Boundaries or other description
(1)	(2)
Anushakti Bhavan, Old Yacht Club building and surrounding premises, CSM Marg, Mumbai 400 001 covered under: CS No. 41 and 42 of Fort Division	The Anushakti Bhavan, Old Yacht Club building and surrounding premises specified under column (1) are bounded by On the North - West : CS No. 40, Dhanraj Mahal On the South - West : C.S.M. Marg On the North - East : CS No. 44 Indian Navy Docks On the South - East : Sea-shore (Harbour).

[F. No. AEA/19(1)/2006-ER]
RAHUL KULSHRESTH, Jt. Secy.

आदेश

मुंबई, 12 जनवरी, 2012

का. आ. 522.—केन्द्रीय सरकार, परमाणु ऊर्जा अधिनियम, 1962 (1962 का 33) को धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा यह निर्देश देती है कि संलग्न अनुसूची के कॉलम (1) के अंतर्गत विनिर्दिष्ट क्षेत्रों, जो प्रतिबंधित क्षेत्र हैं, के संबंध में उक्त अधिनियम की धारा 19 द्वारा उसे प्रदत्त शक्तियों का प्रयोग उक्त अनुसूची के कॉलम (2) के अंतर्गत तदनुरूपी प्रविस्तियों में उल्लिखित सभी अथवा किसी एक अधिकारी द्वारा भी इस शर्त पर किया जाएगा कि केन्द्रीय सरकार उक्त धारा के अंतर्गत शक्तियों के एसे प्राधिकार को निरस्त कर सकती है अथवा स्वयं इन शक्तियों का प्रयोग कर सकती है यदि उसकी राय में ऐसी कार्रवाई करना जनहित में आवश्यक होगा।

अनुसूची

प्रतिबंधित क्षेत्र का नाम	उस अधिकारी का नाम जो उक्त अधिनियम की धारा 19 के अंतर्गत शक्तियों का प्रयोग कर सकता है
(1)	(2)
फोटो प्रभाग की सीएस सं. 41 और 42 के अंतर्गत शामिल : अगुशक्ति भवन, ओल्ड याट क्लब बिल्डिंग और उसके आस-पास का परिसर, छत्रपति शिवाजी महाराज मार्ग, मुंबई-400001	1. सचिव, परमाणु ऊर्जा विभाग 2. प्रधान सलाहकार, परमाणु ऊर्जा विभाग 3. अपर सचिव, परमाणु ऊर्जा विभाग 4. संयुक्त सचिव (उद्योग तथा खनिज), परमाणु ऊर्जा विभाग 5. संयुक्त सचिव (अनुसंधान तथा विकास), परमाणु ऊर्जा विभाग 6. संयुक्त सचिव (बाह्य संपर्क), परमाणु ऊर्जा विभाग 7. संयुक्त सचिव (वित्त), परमाणु ऊर्जा विभाग 8. महानिरीक्षक (सुरक्षा), परमाणु ऊर्जा विभाग 9. मुख्य लेखा नियंत्रक, परमाणु ऊर्जा विभाग 10. निदेशक अथवा उप सचिव (प्रशासन), परमाणु ऊर्जा विभाग

[फा. सं. ईए/19(1)/2006-ईआर]

राहुल कुलश्रेष्ठ, संयुक्त सचिव

ORDER

Mumbai, the 12th January, 2012

S.O. 522.—In exercise of the powers conferred by Section 27 of the Atomic Energy Act, 1962 (33 of 1962), the Central Government hereby directs that the powers conferred on it by Section 19 of the said Act shall, in respect of the areas specified under column (1) of the Schedule annexed hereto, being a prohibited area, be exercisable also by all or any of the officers mentioned in the corresponding entries under column (2) of the said Schedule subject to the condition that the Central Government may revoke such authorization of powers or may itself exercise the powers under the said section, if in its opinion such a course of action is necessary in the public interest.

SCHEDULE

Name of prohibited area	The Officer who may exercise powers under Section 19 of the said Act
(1)	(2)
Anushakti Bhavan, Old Yacht Club building and surrounding premises, CSM Marg, Mumbai 400 001 covered under: CS No. 41 and 42 of Fort Division	1. Secretary, Department of Atomic Energy 2. Principal Adviser, Department of Atomic Energy 3. Additional Secretary, Department of Atomic Energy 4. Joint Secretary (Industries & Minerals), Department of Atomic Energy 5. Joint Secretary (Research & Development), Department of Atomic Energy 6. Joint Secretary (External Relations), Department of Atomic Energy

(2)

7. Joint Secretary (Finance), Department of Atomic Energy
8. Inspector General (Security), Department of Atomic Energy
9. Chief Controller of Accounts, Department of Atomic Energy
10. Director or Deputy Secretary (Administration), Department of Atomic Energy

[F. No. AEA/19(1)/2006-ER]

RAHUL KULSHRESHTH, Jt. Secy.

स्वास्थ्य तथा परिवार कल्याण मंत्रालय

(स्वास्थ्य तथा परिवार कल्याण विभाग)

नई दिल्ली, 31 अक्टूबर, 2011

का. आ. 523.—केंद्र सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-I में एतद्वारा निम्नलिखित संशोधन करती है, नामतः—

2. महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा प्रदान की जा रही दंत चिकित्सा डिग्रियों की मान्यता के बारे में दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 60 के IX के समक्ष कॉलम के 2 तथा 3 की मौजूदा प्रविष्टियों में नसंत दादा पाटिल डेंटल कॉलेज एंड हास्पिटल, सांगली, महाराष्ट्र के संबंध में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएगी: नामतः—

“मास्टर ऑफ डेंटल सर्जरी

कंज्वेटिव डेंटिस्ट्री एंड इंडोनोटिक्स

(यदि दिनांक 25-6-2011 को अथवा उसके पश्चात् प्रदान की गई हो।

आर्थोडोन्टिक्स एंड डेन्टोफेसियल ओर्थोपेडिक्स

(यदि दिनांक 28-6-2011 को अथवा उसके पश्चात् प्रदान की गई हो।

ओरल मेडिसिन एंड रेफियोलॉजी

(यदि दिनांक 30-6-2011 को अथवा उसके पश्चात् प्रदान की गई हो।

एम डी एस (कंज्वेटिव डेंटिस्ट्री)

महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक

एम डी एस (ओर्थो.)

महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक

एम डी एस (ओरल मेडिसिन)

महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक

[सं. वी. 12017/16/2006-डीई (भाग)]

अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 31st October, 2011

S.O. 523.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of columns 2 & 3 against IX of Serial No. 60, in respect of Yasantdada Patil Dental College & Hospital, Sangli, Maharashtra, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University of Health Sciences, Nashik, the following entries shall be inserted thereunder :—

“Master of Dental Surgery

Conservative Dentistry & Endodontics
(if granted on or after 25-06-2011)

MDS (Cons. Dent.), Maharashtra University of Health Sciences, Nashik

Orthodontics & Dentofacial Orthopedics
(if granted on or after 28-06-2011)

MDS (Ortho.), Maharashtra University of Health Sciences, Nashik

Oral Medicine & Radiology
(if granted on or after 30-06-2011)

MDS (Oral Medicine), Maharashtra University of Health Sciences, Nashik”

[No. V. 12017/16/2006-DE (Pt.)]

ANITA TRIPATHI, Jt. Secy.

नई दिल्ली, 4 जनवरी, 2012

का. आ. 524.—केंद्र सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सक परिषद् से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-I में एतद्वारा निम्नलिखित संशोधन करती है, नामतः :—

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 102 के बाद निम्नलिखित क्रम संख्या तथा प्रविष्टियां अन्तःस्थापित की जाएंगी नामतः :—

“103 रांची विश्वविद्यालय, रांची

अवध डेंटल कॉलेज एंड होस्पिटल, जमशेदपुर

(i) बैचलर ऑफ डेंटल सर्जरी

बीडीएस, रांची विश्वविद्यालय,
रांची”

(यदि दिनांक 16-9-2011 को अथवा

उसके पश्चात् प्रदान की गई हो)।

[सं. वी. 12017/64/2005-डीई]

सूबे सिंह, उप सचिव

New Delhi, the 4th January, 2012

S.O. 524.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) after Serial No. 102, the following Serial number and entries shall be inserted, namely:—

“103 Ranchi University, Ranchi

Awadh Dental College & Hospital,
Jamshedpur.

(i) Bachelor of Dental Surgery
(if granted on or after 16-9-2011)

BDS, Ranchi University,
Ranchi.”

[F. No. V. 12017/64/2005-DE]

SUBE SINGH, Dy. Secy.

कृषि भंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 30 जनवरी, 2012

का. आ. 525.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के उप-नियम (4) के अनुसरण में कृषि एवं सहकारिता विभाग, कृषि भंत्रालय के सम्बद्ध कार्यालय वनस्पति संरक्षण, संग्रह निदेशालय, फरीदाबाद के अंतर्गत निम्नलिखित प्रशासनिक नियंत्रणाधीन कार्यालय को जिसके 80% कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, आधसूचित करती है :—

केन्द्रीय एकीकृत नाशीजीव प्रबंधन केन्द्र,

दूवितीय तल, पोर्ट यूजर्स कॉम्प्लेक्स,

मुरांव बंदरगाह, गोवा-403803

[सं. 3-3/2011 हि. नी.]

उमा गोयल, संयुक्त सचिव

MINISTRY OF AGRICULTURE (Department of Agriculture and Cooperation)

New Delhi, the 30th January, 2012

S.O. 525.—In pursuance of sub-rule (4) of the Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following office which is under the administrative control of the Directorate of Plant Protection, Quarantine and Storage, Faridabad an attached office of the Department of the Agriculture & Cooperation, Ministry of Agriculture, whereof 80% staff have acquired the working knowledge of Hindi :—

Central Integrated Pest Management Centre,

Second Floor, Port Users Complex, Mormugao Harbour,

Goa-403803

[No. 3-3/2011-Hindi Neeti]

UMA GOEL, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 526.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टोरेंट फार्मास्यूटिकल लि., टोरेंट हाउस आफ आश्रम रोड, अहमदाबाद-380009 अहमदाबाद द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “बीएस-701” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम “इलाइट क्लब” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/524 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक व्यक्ति तोलन मशीन) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2: उपकरण के मॉडल का सीलिंग प्रावधान।

स्केल की बाट्टम साइड में बनाए गए छेद में से सीलिंग वायर निकालकर सीलिंग की जाती है। स्टाम्पिंग के लिए स्केल की बाड़ी में लीड सील के साथ सीलिंग वायर निकालकर स्टाम्पिंग प्लेट को जोड़ा गया है मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी कोलिब्रेशन तक पहुंच की सुविधा है। बाहरी कोलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मदर बोर्ड में डिप रिवर्च भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 या 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(315)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 31st October, 2011

S.O. 526.— Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights of Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Electronic Person Weighing Machine) with digital indication of medium accuracy (Accuracy class-III) of series "BS-701" and with brand name "ELITE CLUB" (hereinafter referred to as the said model), manufactured by M/s. Torrent Pharmaceuticals Limited, Torrent House, Ashram Road, Ahmedabad-380009 and which is assigned the approval mark IND/09/10/524.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Person Weighing Machine) with a maximum capacity of 150kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

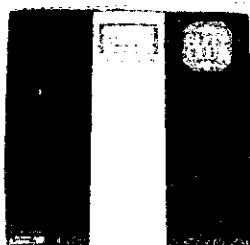


Figure-2 : Sealing diagram of the sealing provision of the model.

Sealing is done through the hole, made in bottom side of the scale, and then sealing wire is passed through these holes. Stamping plate is connected through sealing wire passing from the body of the scale with lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 200kg with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(315)/2010]

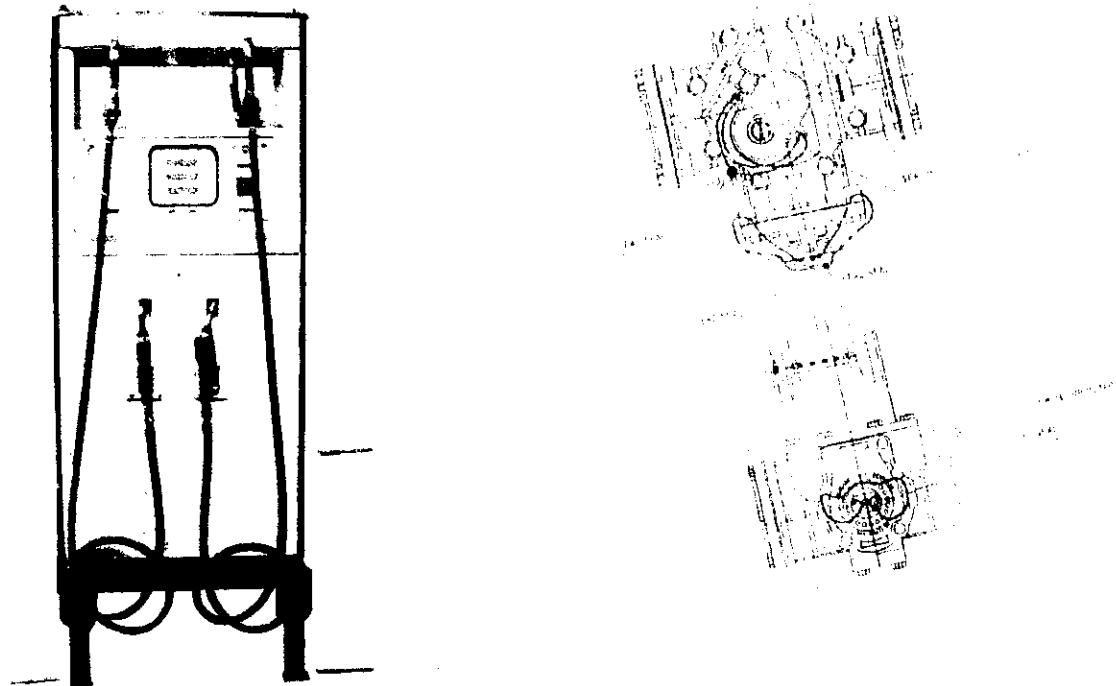
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 527.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (3) और उप-धारा (7) और उप-धारा (8) के तीसरे परन्तुक द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स एवरी इंडिया लिमिटेड प्लाट नं. 50-59, सेक्टर 25, बलभग्न-121004 (हरियाणा) द्वारा विनिर्मित यथार्थता वर्ग 0.5 वाले "मल्टीलाइन" शृंखला के "पानी के अलावा अन्य द्रव्यों हेतु मीटर" (फ्लूल डिस्पेंसर) अंकक सूचन सहित, जिनके ब्रांड का नाम "एवरी" (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) के मॉडल और जिसे अनुमोदन चिह्न आई एन डी/09/10/589 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल पानी के अलावा अन्य द्रव्यों हेतु मीटर (फ्लूल डिस्पेंसर) है जो पोजीटिव डिस्प्लेसमेंट मीटर के सिद्धांत पर कार्य करता है। इसकी फ्लो दर 2 लीटर प्रति मिनट से 70 लीटर प्रति मिनट और मापमान अंतराल 10 मि.ली. है। इसमें यूनिट मूल्य को रूपए में दर्शाने के लिए 6 अंक, 6 अंक वाल्यूम सूचन के लिए, 7 अंक देय मूल्य के लिए और इलेक्ट्रोनिक/इलेक्ट्रोमैकेनिकल टोटलाइजर के लिए न्यूनतम 7 अंक हैं। 6 अंक फ्लूल रेट के लिए 6 अंक घनत्व के लिए और प्रतिवर्ती इलेक्ट्रोनिक/इलेक्ट्रोमैग्नेटिक/मैकेनिकल टोटलाइजर के लिए न्यूनतम 7 अंक हैं। उपकरण 230 वोल्ट और 50 हर्ट्ज सिंगल फेस और 415 वोल्ट, 50 हर्ट्ज 3 फेस प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसमें बहुप्रकार के ईंधन जैसे कि पैट्रोल, डीजल, केरोसीन इत्यादि के वितरण करने की क्षमता है। न्यूनतम मापमान मात्रा 1 लीटर है।



आकृति-2 सीलिंग प्रावधान

नट एंड बोल्ट में से सीलिंग वायर निकाल कर एसेम्बलिंग प्लग से सील किया जाता है। लीड सील तोड़े बिना केलिब्रेशन व्हील अभिगमन नहीं कर सकता। लीड सील तोड़े बिना इलेक्ट्रोनिक केलिब्रेशन अभिगमन नहीं कर सकता।

उक्त मॉडल में इलेक्ट्रो-इलेक्ट्रोमैकेनिकल टोटलाइजर/इलेक्ट्रोनिक टोटलाइजर है। आटोमेशन प्रोतोकाल को सुकर बनाने के लिए मॉडल में आरएस 485 पोर्ट है।

[फा. सं. डब्ल्यू एम-21(195)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 527.— Whereas the Central Government, after considering the report submitted to it by NIST Japan, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of Measuring Systems for Liquids Other Than Water (Fuel Dispenser) with digital indication of accuracy class 0.5 (hereinafter referred to as said model) of series 'MULTILINE' with brand name "AVERY", manufactured by M/s. Avery India Limited, Plots No. 50-59, Sector 25 Balabgarh-121004 (Haryana) and which is assigned the approval mark IND/09/10/589.

The said model is Meter for Liquid other than Water (Fuel Dispenser) working on the principle of positive displacement meter. Its flow rate range is 2 lpm to 70 lpm. Its scale interval is 10ml. It has indication of 6 digits for Unit Price in Rupees, 6 digits for Volume indication, 7 digits for price to pay and electronic/electromagnetic/mechanical totaliser of minimum 7 digits. It operates on 230 Volts, 50Hertz single phase and 415 volts, 50 hertz 3 phase alternate current power supply. It is capable of dispensing multiple variety of fuel that is Petrol, diesel, kerosene etc. The minimum measured quantity is 1 Liter.

Figure-1 Model

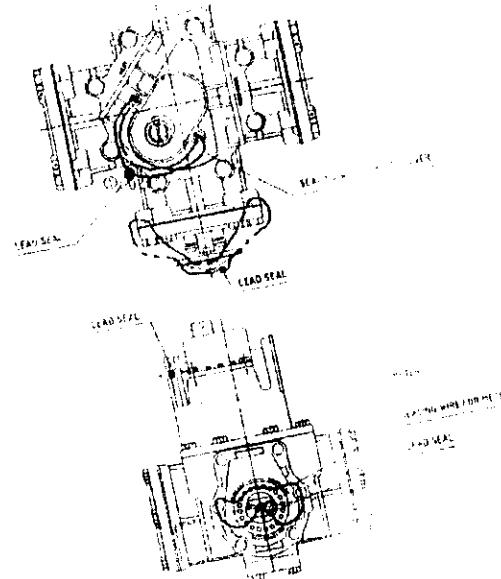
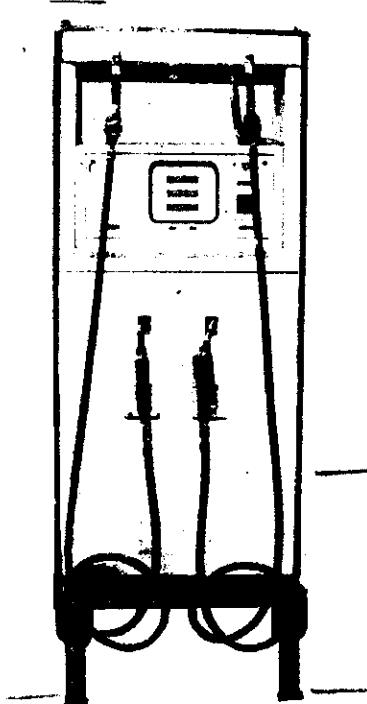


Figure-2 Sealing arrangement

The sealing shall also be done by passing sealing wire through the nut and bolt assembly plugged by a seal. The calibration wheel can not be accessed without breaking the lead seal. The electronic calibration can not be accessed without breaking the lead seal.

The said model has electro-mechanical totalizer/electronic totalizer. There is optional RS 485 port available for automation purpose.

[F. No. WM-21(195)/2010]

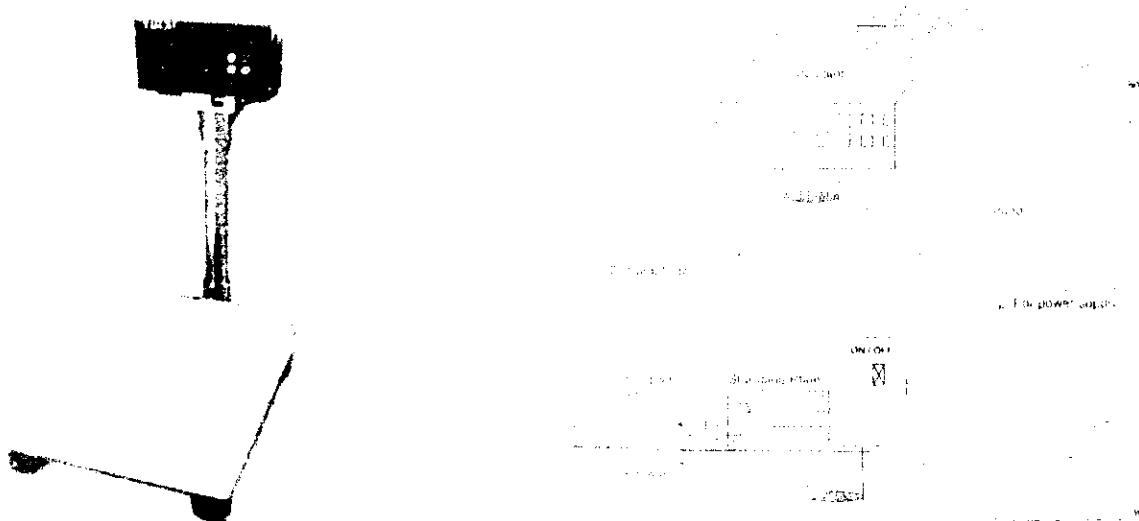
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 528.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स तुलसी ट्रेडिंग कंपनी 68, बालीगंज सर्कुलर रोड, तीसरा तल, अन्नपूर्णा अपार्टमेंट, कोलकाता-19 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “पीएमपीपी/2367” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ग्रांड का नाम “तुलसी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/76 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

आकृति



आकृति-2 मॉडल के इंडीकेटर को सीलिंग करने का गवधान

वेइंग मशीन को कपटपूर्ण व्यवहार के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। स्टाइम्पिंग के लिए इंडीकेटर की बेक बाडी में से लोड सील के साथ सीलिंग वायर निकाल कर स्टाइम्पिंग प्लेट को जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(74)/2010]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 528.— Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights of Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series “PMPP/2367” and with brand name “TULSI” (hereinafter referred to as the said model), manufactured by M/s. Tulsi Trading Company, 68, Ballygunge Circular Road, 3rd Floor, Annapurna Appartment, Kolkata 19 and which is assigned the approval mark IND/09/10/76;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

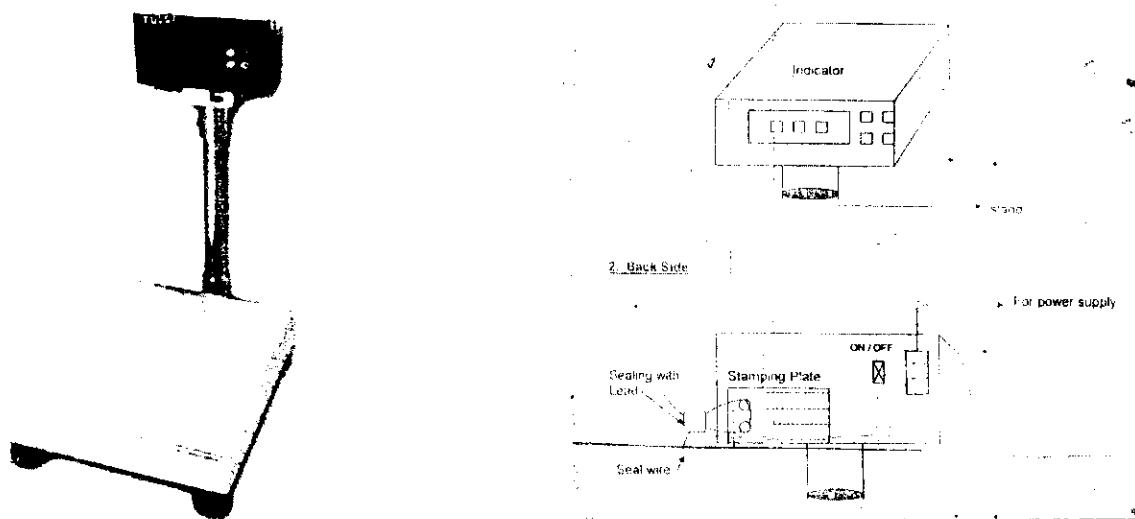


Figure-2 Sealing provision of the indicator of model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the back body of indicator with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(74)/2010]

B. N. DIXIT, Director of Legal Metrology

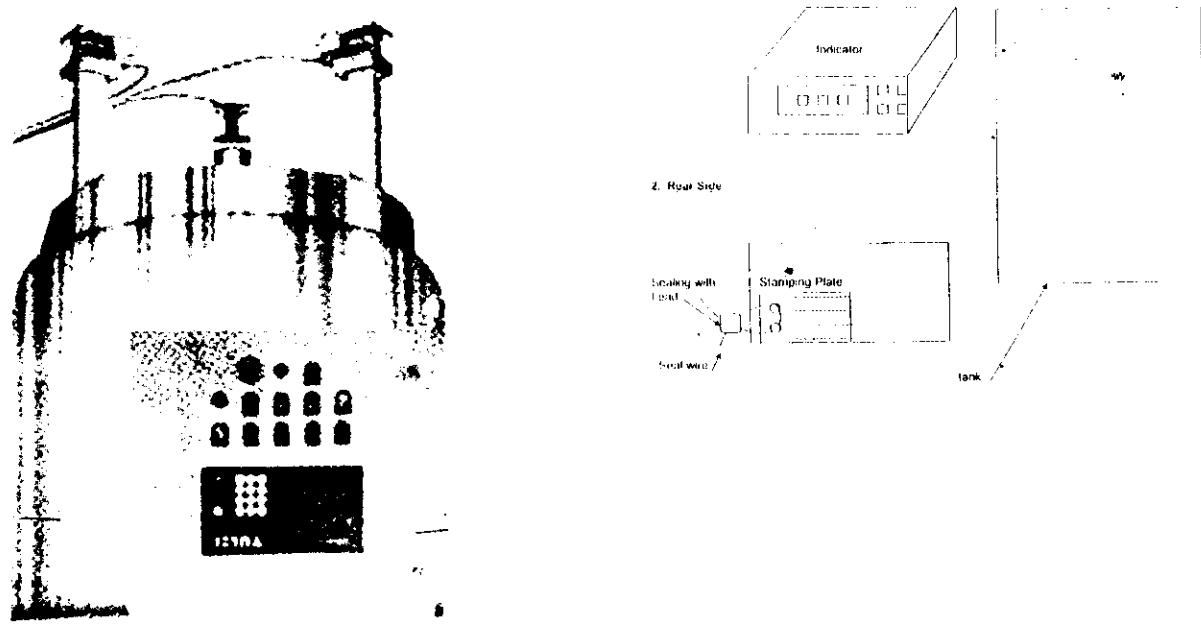
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 529.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स तुलसी ट्रेडिंग कंपनी, 68, बालीगंज सर्कुलर रोड, तीसरा तल, अन्नपूर्णा अपार्टमेंट, कोलकाता-19 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पीएमटीडब्ल्यू/2367" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टैक वेइंग टाइप) के मॉडल का, जिसके ब्रांड का नाम "तुलसी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/77 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टैक वेइंग टाइप) है। इसकी अधिकतम क्षमता 2000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शात प्रतिशत व्यक्तलात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 मॉडल के इंडीकेटर को सीलिंग करने का प्रावधान

प्राधिकारी द्वारा स्थापित और सत्यापन के बाद इंडीकेटर की बैक साइड में दिए गए छेदों में से लीडिंग वायर निकाल कर सीलिंग की जाती है। सील से छेड़छाड़ किए बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित। टन से 20 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(74)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 529.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tank weighing type) with digital indication of medium accuracy (Accuracy class-III) of series "PMTW/2367" and with brand name "TULSI" (hereinafter referred to as the said model), manufactured by M/s. Tulsi Trading Company, 68, Ballygunge Circular Road, 3rd Floor, Annapurna Apartment, Kolkata 19 and which is assigned the approval mark IND/09/10/77;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tank Wighing type) with a maximum capacity of 2000kg and minimum capacity of 10kg. The verification scale interval (e) is 500g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

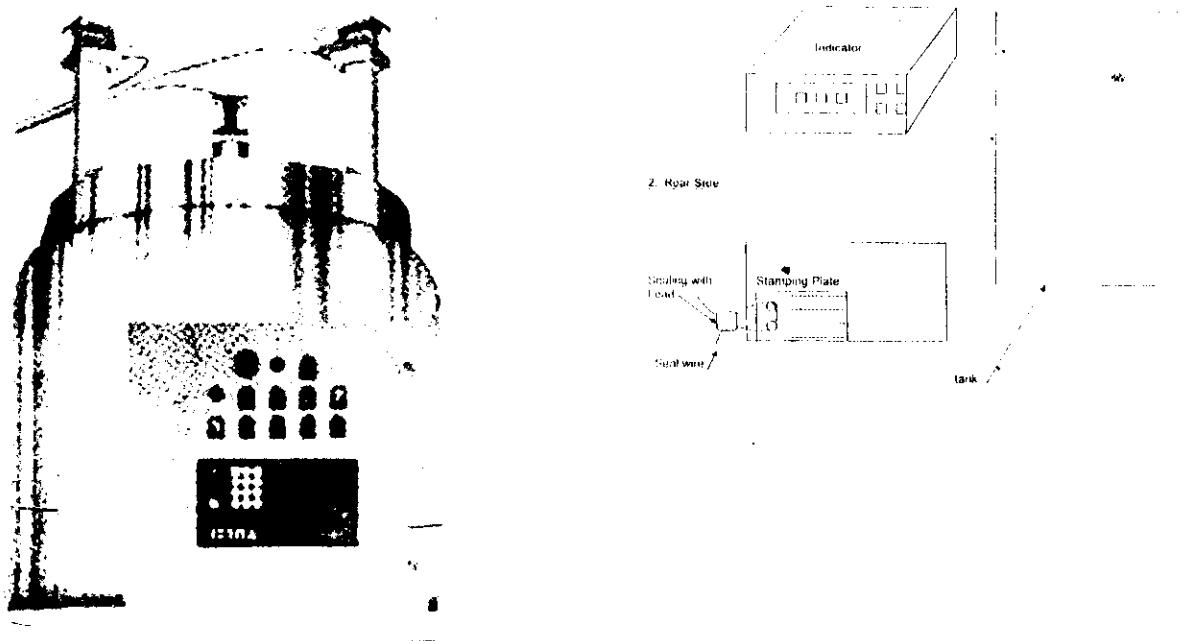


Figure-2 Sealing diagram of the sealing provision of the model

The sealing is done by passing a leaded wire through the holes made in the back side of the indicator after verification and stamping by the authorities. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities in the range of 1 tonne to 20 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(74)/2010]

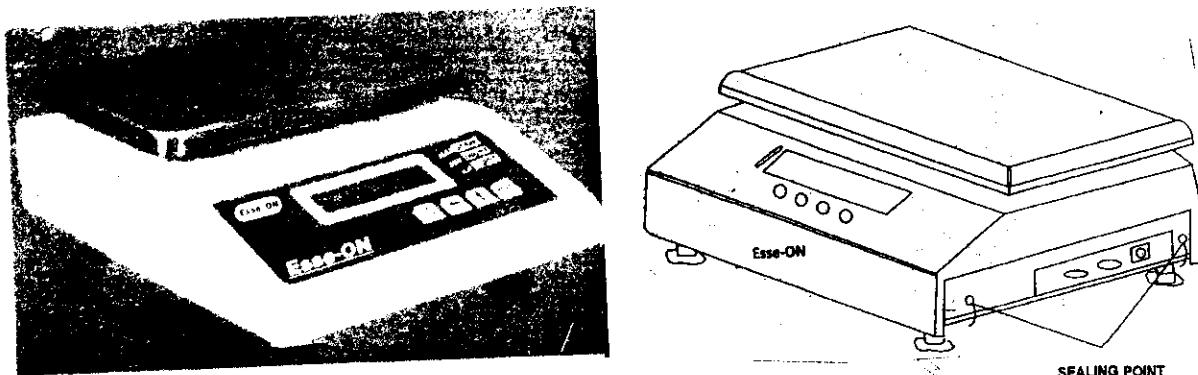
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 530.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एसे ऑन इलेक्ट्रॉनिक्स, डी.नं. 19-8-84/जी 4, एआईआर, बाइपास रोड, तिरुपति द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “ई एस-जे पी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एसे-ऑन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/315 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

आकृति



आकृति-2 माडल का सीलिंग प्रवधान

स्केल की बाढ़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के “ई” मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 , या 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(185)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 530.— Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights of Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series “ES-JP” and with brand name “Esse-On” (hereinafter referred to as the said model), manufactured by M/s. Esse-On Electronics, D. No. 19-8-84/G4, A.I.R. By-pass Road, Tirupati and which is assigned the approval mark IND/09/10/315;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

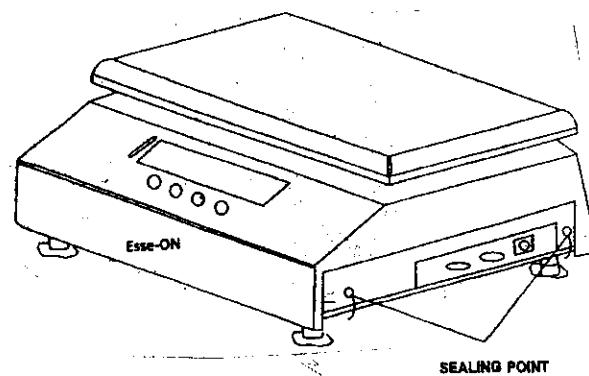
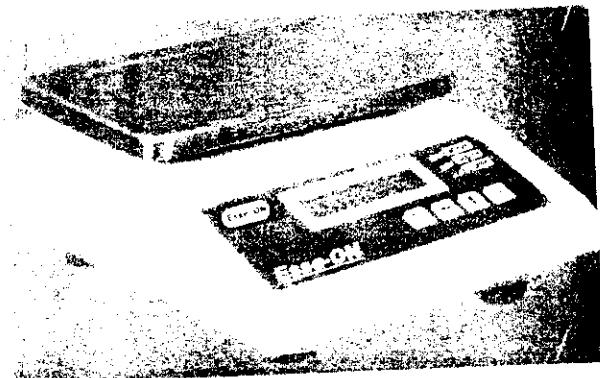


Figure- 2 Schematic Diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 100,000 for ‘e’ value of 1mg to 50 mg. and with verification scale interval (n) in the range of 5000 to 100,000 for ‘e’ value of 100mg. or more and with ‘e’ value 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and same materials with which, the said approved model has been manufactured.

[F. No. WM-21(185)/2010]

B. N. DIXIT, Director of Legal Metrology

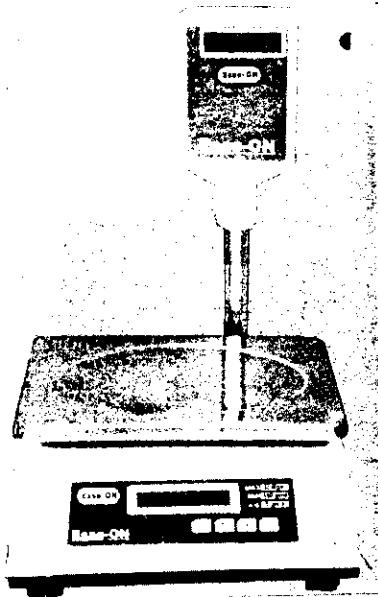
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 531.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धाग 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एस ऑन इलेक्ट्रोनिक्स, डी नं. 19-8-84/जी 4, एआईआर, बाईपास रोड, तिरुपति द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “ई एस-टी बी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एस ऑन” है (जिसे इसमें पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/316 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। इसका सत्यापन मापमान अंतराल 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : माडल का सीरिंग प्रावधान।

स्केल की बाड़ी के होल्स में से सीरिंग वायर निकाल कर सीरिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम ऊपर दिया गया है।

बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 2 मि. ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता ज्ञात है और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(185)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप निगम

New Delhi, the 31st October, 2011

S.O. 531.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "ES-TB" and with brand name "Esse-On" (hereinafter referred to as the said model), manufactured by M/s. Esse-On Electronics, D. No. 19-8-84/G4, A.I.R. By-pass Road, Tirupati and which is assigned the approval mark IND/09/10/316;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

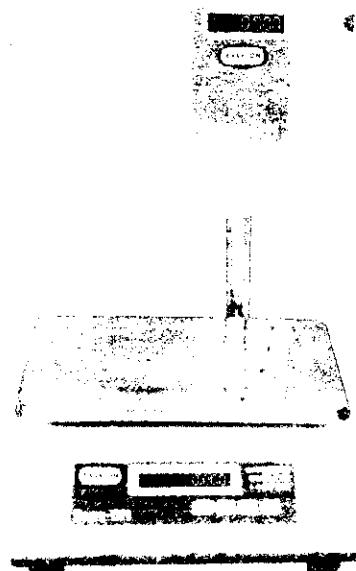


Figure- 2 : Schematic Diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 1mg. to 2 g. and with verification scale interval (n) in the range of 5,000 to 10,000 for 'e' value of 5 g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F. No. WM-21(185)/2010]

B. N. DIXIT, Director of Legal Metrology

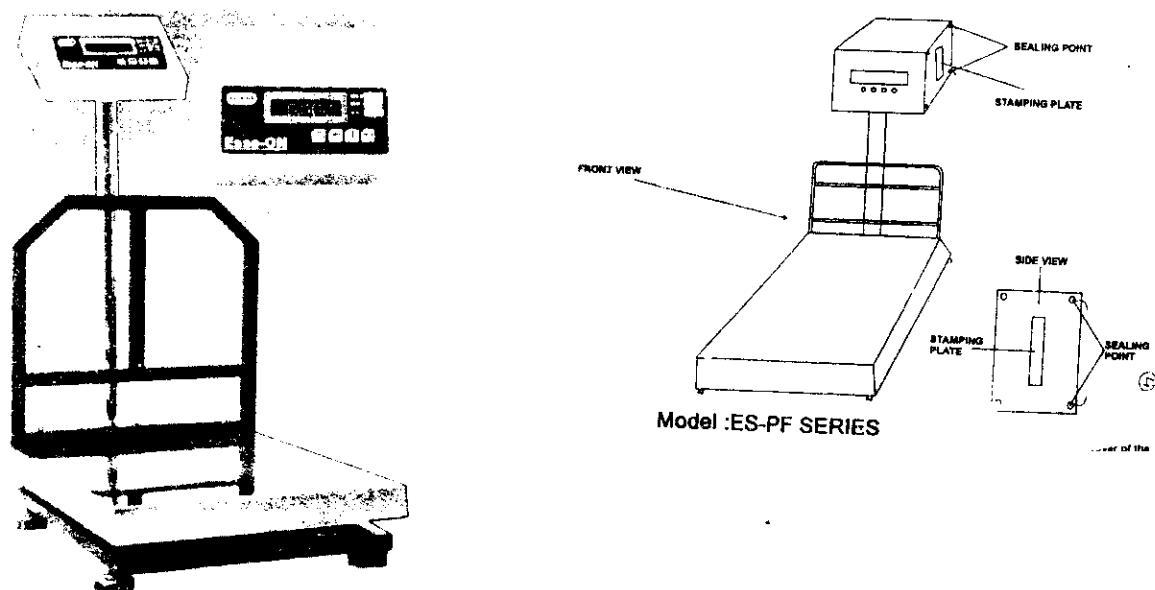
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 532.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स एसें ऑन इलेक्ट्रोनिक्स, डी नं. 19-8-84/जी 4, एआईआर, बाईपास रोड, तिरुपति द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “ईएस-पीएफ” शुंखला के अंक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एसें ऑन” है (जिसे इसमें पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/317 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रमाणित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 600 मि.ग्रा. और न्यूनतम क्षमता 2.5 कि.ग्रा. है। इसका सत्यापन मापमान अंतराल 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत अकलनात्मक धारित आधेयतुलन प्रभाव है। लाईट इमिटिंग डायोड तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज उत्पादकी धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-।



आकृति-2: माडल का सीलिंग प्रावधान।

स्केल की बाढ़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। माडल को सीलबंद करने के उपबंध का एक प्रूफी शाजनाबद्द डायग्राम ऊपर दिया गया है।

बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 100,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 100,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फ. सं. डब्ल्यू एम-21(185)/2010]

बो. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 532.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of High Accuracy (Accuracy class-II) of series "ES-PF" and with brand name "Esse-On" (hereinafter referred to as the said model), manufactured by M/s. Esse-On Electronics, D. No. 19-8-84/G4, A.I.R. By-pass Road, Tirupati and which is assigned the approval mark IND/09/10/317;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600kg. and minimum capacity of 2.5kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1

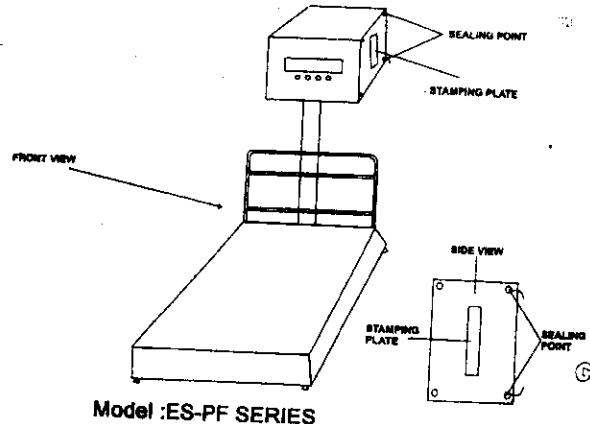


Figure- 2 : Schematic Diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. up to 5000kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5,000 to 160,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(185)/2010]

B. N. DIXIT, Director of Legal Metrology

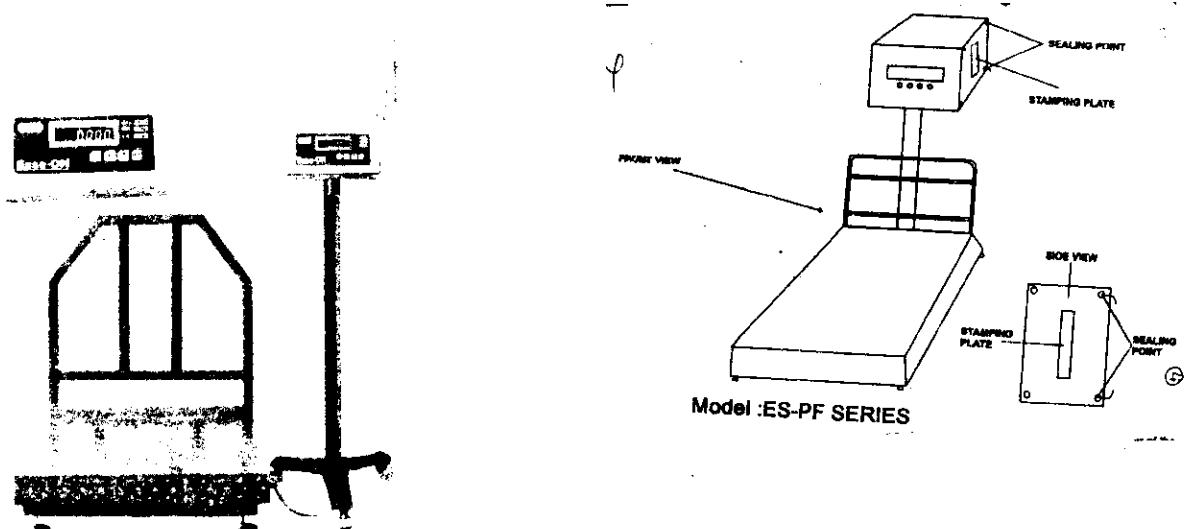
नई दिल्ली, 31 अक्टूबर, 2011

ला.आ. 533.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एस-ऑन इलेक्ट्रोनिक्स, डी नं. 19-8-84/जी 4, एआईआर, बाईपास रोड, तिरुपति द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “ईस-पीटी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एस-ऑन” है (जिसमें पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/318 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित तोलन अस्वचालित तोलन (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 2000 कि.ग्रा. और न्यूनतम क्षमता 10 कि.ग्रा. है। इसका सत्यापन मापमान अंतराल 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लाईट इमिटिंग डायोड तोलन परिणाम उपदर्शित करता है। उपकरण 230 तोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 माडल का सीलिंग प्रावधान

स्केल की बाड़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 मि.ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(185)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 533.— Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series "ES-PT" and with brand name "Esse-On" (hereinafter referred to as the said model), manufactured by M/s. Esse-On Electronics, D. No. 19-8-84/G4, A.I.R., By-pass Road, Tirupati and which is assigned the approval mark IND/09/10/318;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 2000 kg. and minimum capacity of 10 kg. The verification scale interval (e) is 500 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

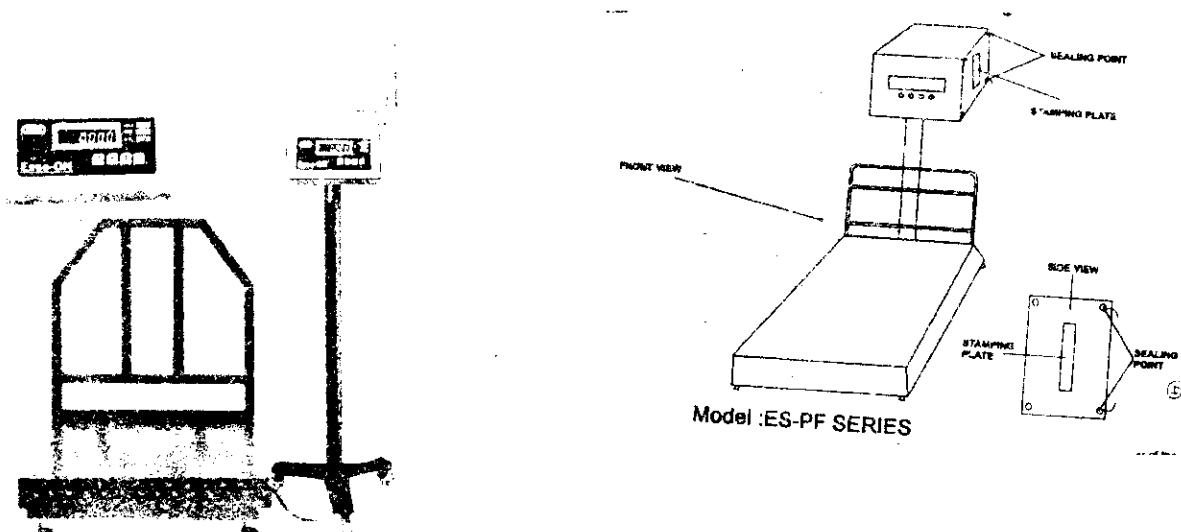


Figure- 2 Schematic Diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. up to 5000 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 1mg. to 2 g. and with verification scale interval (n) in the range of 5000 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F. No. WM-21(185)/2010]
B. N. DIXIT, Director of Legal Metrology

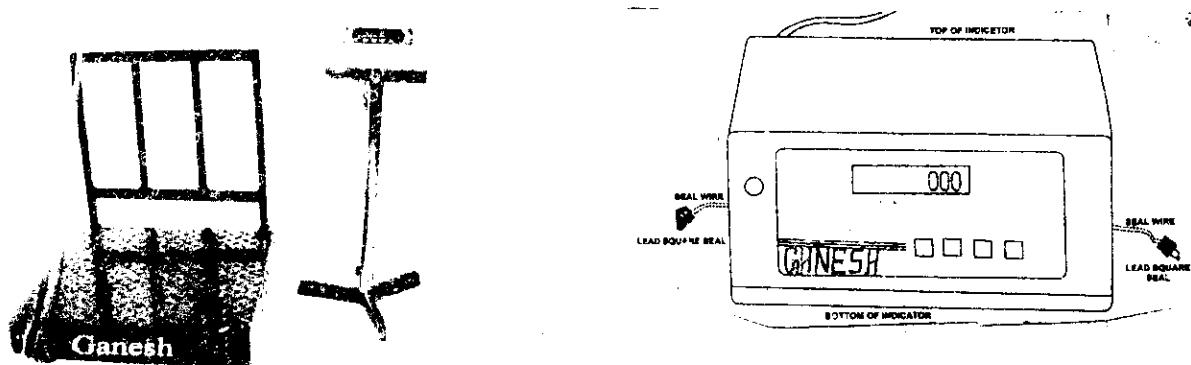
नई दिल्ली, 31 अक्टूबर, 2011

का.आ.534.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स श्री गणेश स्केल वर्स्स, गांव-पोस्ट: बामीनारी, जिला: हुगली, पश्चिम बंगाल-71220 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एसजीपी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “गणेश” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/300 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यावकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपर्युक्त 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करती है।

आकृति



आकृति-2 उपकरण के मॉडल का सीलिंग प्रावधान

डिस्प्ले की बालों से सीलिंग व्यायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्रसूपी गोजनावद्ध डायग्राम रूपरूप दिया गया है।

उपकरण में बाहरी कंलिब्रेशन तक पहुंच की सुविधा है। बाहरी कंलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप्पिंग भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(205)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 534.— Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of Medium Accuracy (Accuracy class-III) of series "SGP" and with brand name "Ganesh" (hereinafter referred to as the said model), manufactured by M/s. Shree Ganesh Scale Works, Vill/Post: Baminari, Distt.: Hooghly, West Bengal-71220 which is assigned the approval mark IND/09/10/300:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

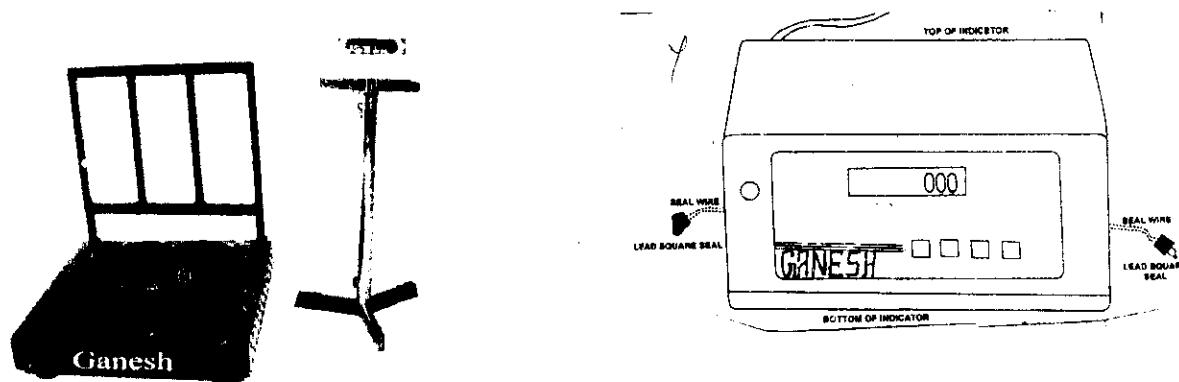


Figure- 2 Schematic Diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg up to 5000 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the said manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F. No. WM-21(205)/2010]

B. N. DIXIT, Director of Legal Metrology

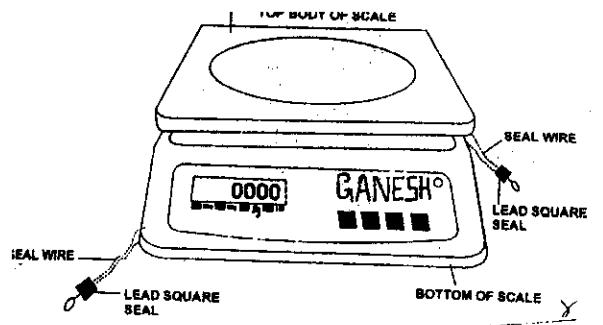
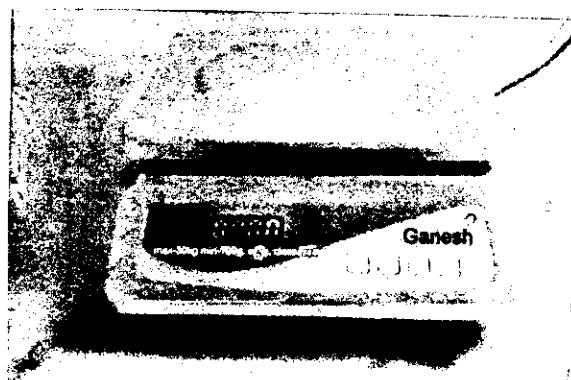
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 535.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स श्री गणेश स्केल वर्क्स, गांव/पोस्ट: बामीनारी, जिला: हुगली, परिचम बंगाल-71220 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एसजीटी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “गणेश” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/299 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 उपकरण के मॉडल का सीलिंग प्रावधान

डिस्प्ले की बाड़ी से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(205)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 535.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop Type) with digital indication of Medium Accuracy (Accuracy class-III) of series "SGT" and with brand name "Ganesh" (hereinafter referred to as the said model), manufactured by M/s. Shree Ganesh Scale Works, Vill/Post: Baminari, Distt.: Hooghly, West Bengal-71220 which is assigned the approval mark IND/09/10/299;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

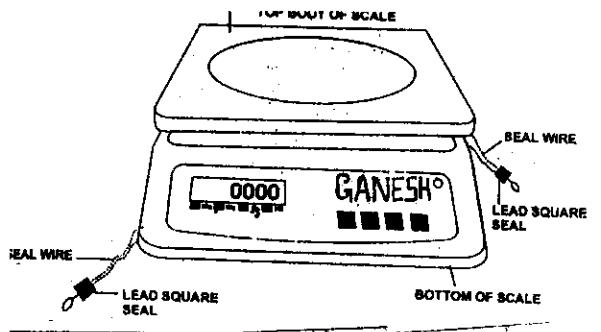
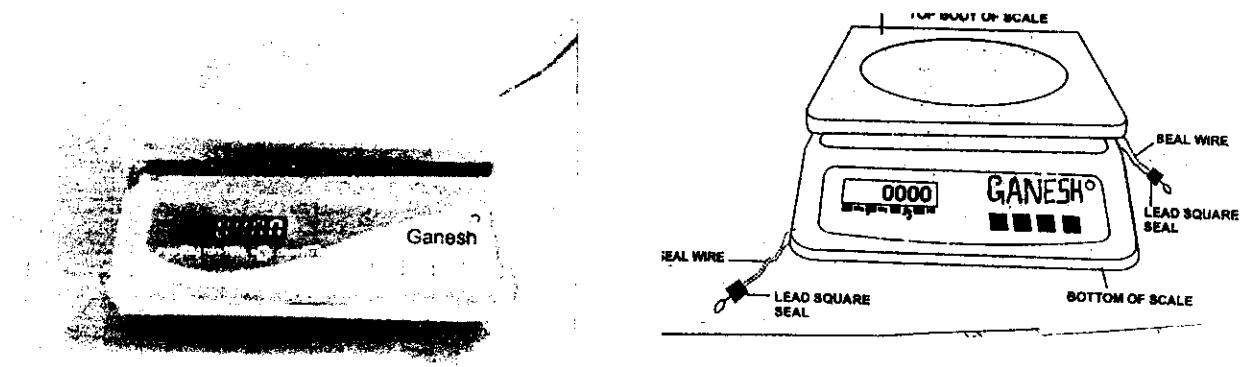


Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(205)/2010]

B. N. DIXIT, Director of Legal Metrology

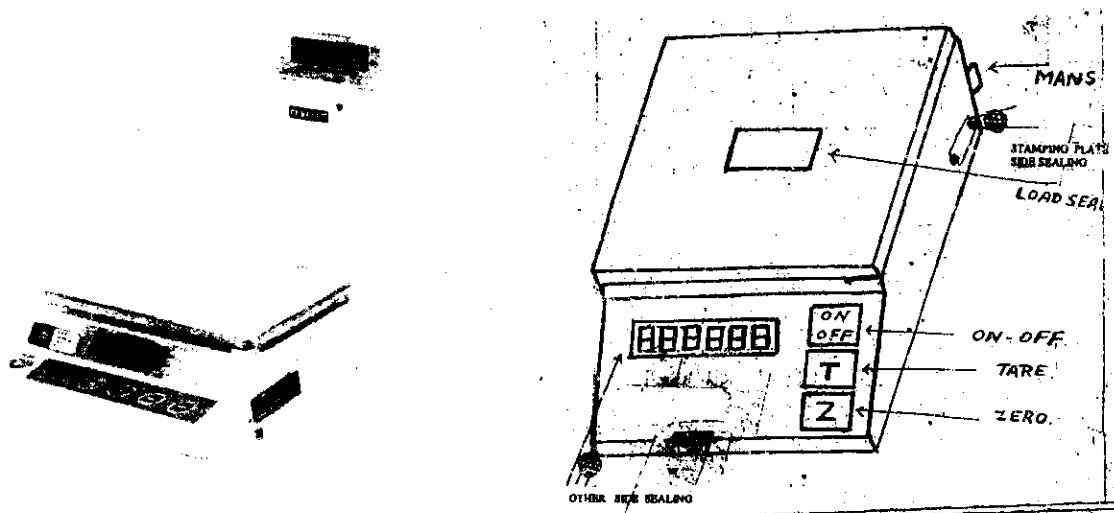
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 536.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स परफेक्ट स्केल सेल्ज एंड सर्विस, 12 भावेश शोरिंग सेंटर, रेलवे स्टेशन के पास, होटल रॉयल पैलेस के पीछे, जीआईडीसी अंकलेश्वर-393002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टीपीएस” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम “परफेक्ट” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/151 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



8110

आकृति-2 मॉडल का सीरिंग करने का योजनाबद्ध प्रावधान

स्केल की बॉडी के होल्स में से सीरिंग वायर निकाल कर सीरिंग की जाती है। मॉडल के सीरिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(114)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 536.— Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights of Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication belonging to of Medium Accuracy (Accuracy class-III) of series "TPS" and with brand name "Perfect" (hereinafter referred to as the said model), manufactured by M/s. PERFECT Scale Sales and Service, 12, Bhavesh Shopping Centre, Near Railway Station, B/H Hotel Royal Palace, G.I.D.C. Ankleshwar-393002 which is assigned the approval mark IND/09/10/151;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

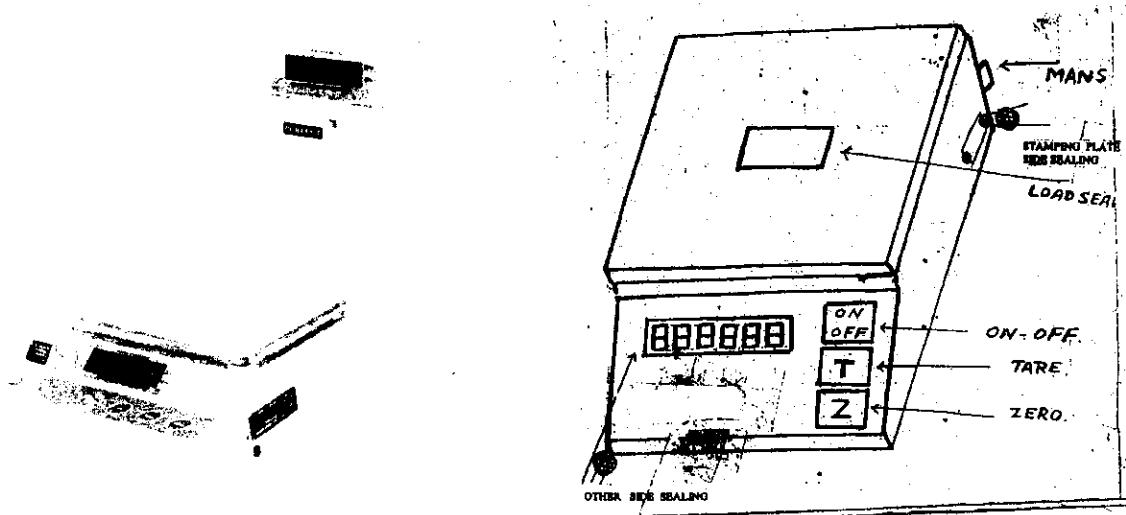


Figure- 2 Schematic Diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy, performance and of the same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the said manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F. No. WM-21(114)/2010]

B. N. DIXIT, Director of Legal Metrology

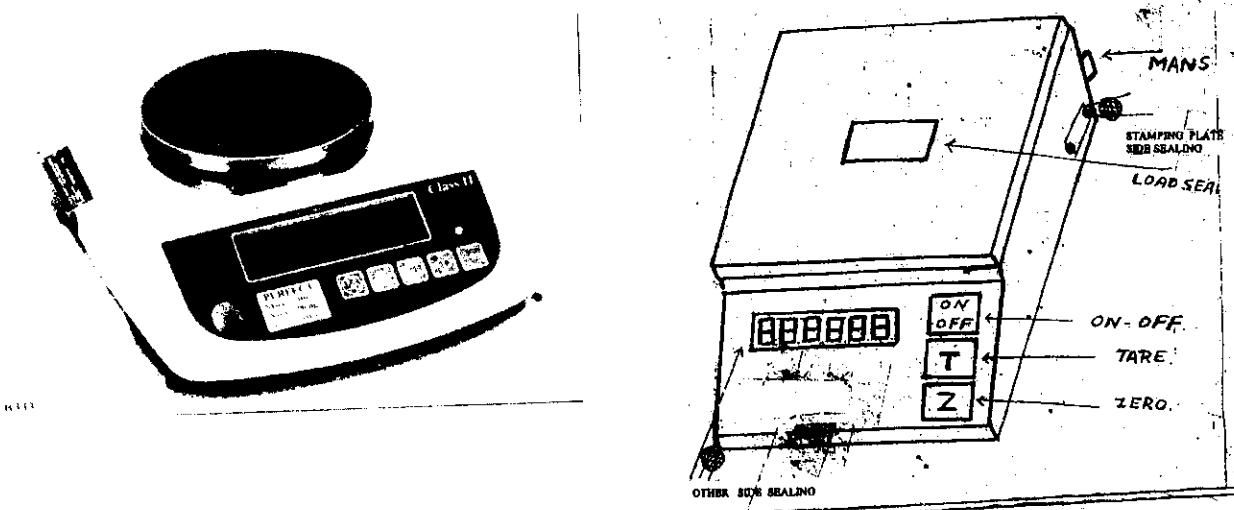
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 537.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स परफेक्ट स्केल सेल्ज एंड सर्विस, 12 भावेश शोर्पिंग सेंटर, रेलवे स्टेशन के पास, होटल रॅयल पैलेस के पीछे, जीआईडीसी अंकलेश्वर-393002 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-11) वाले “जेपीएस-3” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम “परफेक्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/152 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) है। इसकी अधिकतम क्षमता 300 ग्रा. है और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्शन तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 मॉडल का सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बॉडी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी कलिब्रेशन तक पहुंच की सुविधा है। बाहरी कलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(114)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 537.— Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights of Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of High Accuracy (Accuracy class-II) of series "JPS-3" and with brand name "PERFECT" (hereinafter referred to as the said model), manufactured by M/s. Perfect Scale Sales and Service, 12, Bhavesh Shopping Centre, Near Railway Station, B/H Hotel Royal Palace, G.I.D.C. Ankleshwar-393002 which is assigned the approval mark IND/09/10/152;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 300g and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

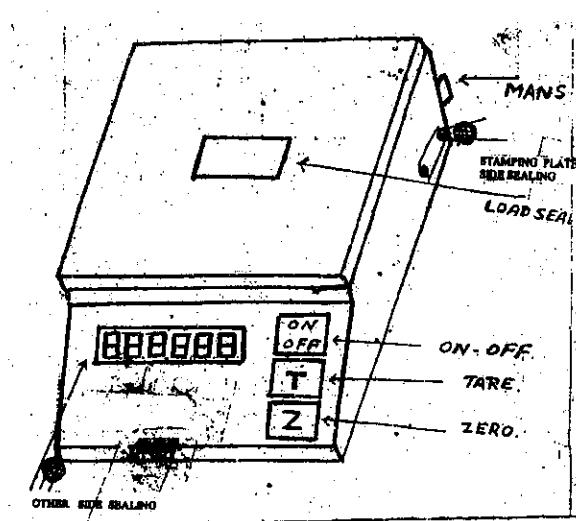
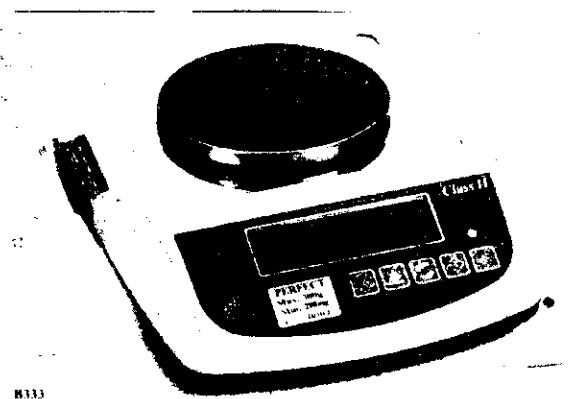


Figure- 2 Schematic diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(114)/2010]

B. N. DIXIT, Director of Legal Metrology

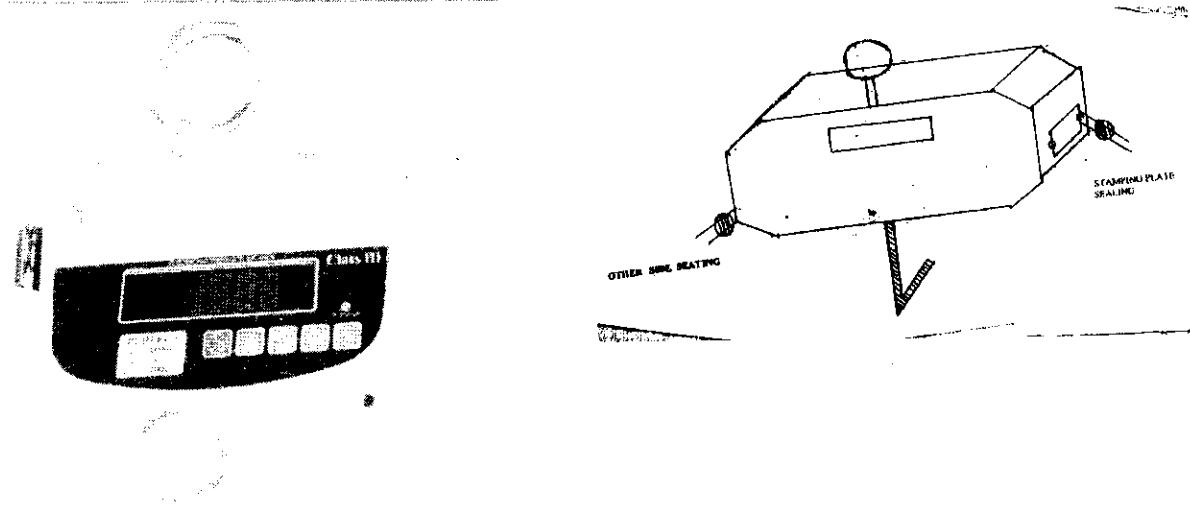
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 538.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स परफेक्ट स्केल सेल्ज एंड सर्विस, 12, भावेश शोपिंग सेंटर, रेलवे स्टेशन के पास, होटल रॉयल पैलेस के पीछे, जी आई डी सी अंकलेश्वर-393002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “सीआरपीएस-5” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रेन टाइप) के मॉडल का, जिसके ब्रांड का नाम “परफेक्ट” है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/10/153 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रेन टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 मॉडल



आकृति-2 सीरिंग प्रावधान का योजनाबद्ध डायग्राम

इंडीकेटर के पीछे अपर और लोअर प्लेट में छेद बना कर, इनमें से सीरिंग वायर निकाल कर सीरिंग की जाती है। वेइंग मशीन को कपटपूर्ण व्यवहार के लिए खोले जाने से रोकने के लिए सीरिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से 5 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(114)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 538.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues publishes the certificate of approval of the model of non-automatic weighing instrument (Crane type) with digital indication of Medium Accuracy (Accuracy class-III) of series “CRPS-5” and with brand name “PERFACT” (hereinafter referred to as the said model), manufactured by M/s. Perfect Scale Sales & Service, 12, Bhavesh Shopping Centre, Nr Railway Station, B/H Hotel Royal Palace, G.I.D.C. Ankleshwar-393002 and which is assigned the approval mark IND/09/10/153;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 1000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

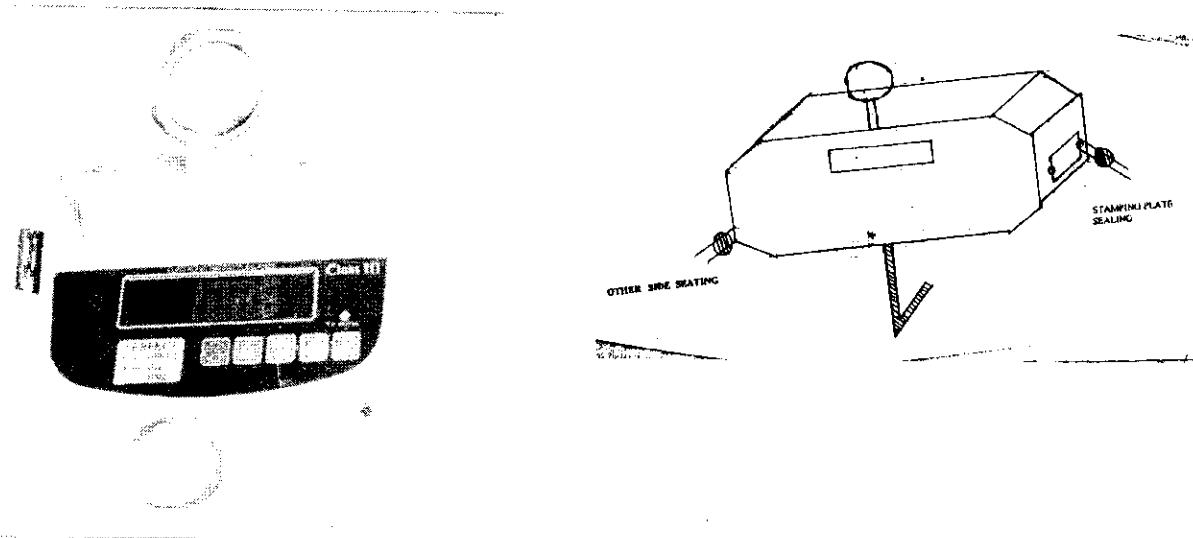


Figure-2 Sealing arrangement

The sealing is done through the holes made in upper and lower plate on the rear side of the indicator, than sealing wire is passed through these holes. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

A instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (12) of Section 36 of the said Act, the Central Government hereby declasres that this certificate of approval of the said model shall also cover the weighing instrument of similar make accuracy and performance of same series with maximum capacity range from 50kg. and up to 5 tonne with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer inaccordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F. No. WM-21(114)/2010]

B. N. DIXIT, Director of Legal Metrology

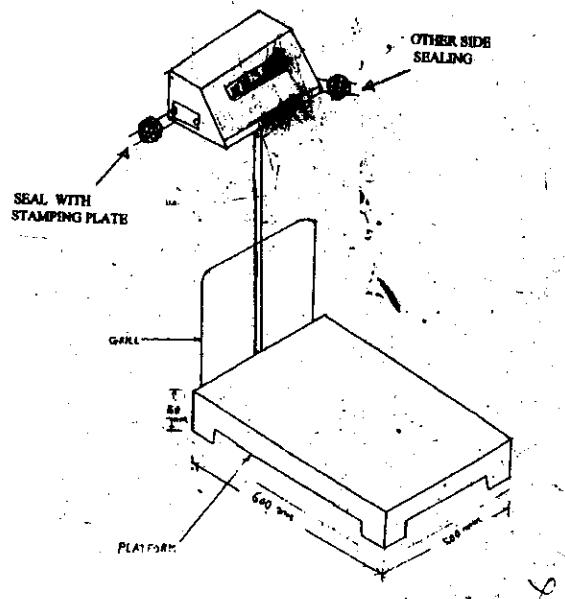
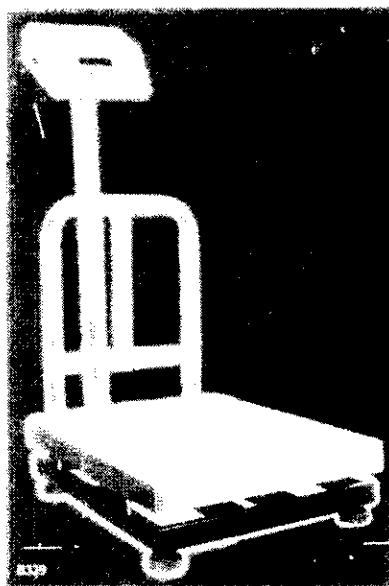
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 539.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्युक्तों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स परफेक्ट स्केल सेल्ज एंड सर्विस, 12 भावेश शोर्पिंग सेंटर, रेलवे स्टेशन के पास, होटल रॉयल पेलेस के पीछे, जी आई डी सी अंकलेश्वर-393002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पीपीएस" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "परफेक्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/154 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति 1 मॉडल



आकृति-2 मॉडल का प्रावधान करने सीरिंग प्रावधान का योजनाबद्ध डायग्राम

स्केल की बॉडी के होल्स में से सीरिंग वायर निकाल कर सीरिंग की जाती है। मॉडल के सीरिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है। उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को राकरे के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) की सहित और 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(114)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 539.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights of Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series "PPS" and with brand name "PERFACT" (hereinafter referred to as the said model), manufactured by M/s. Perfect Scale Sales & Service, 12, Bhavesh Shopping Centre, Nr Railway Station, B/H Hotel Royal Palace, G.I.D.C. Ankleshwar-393002 which is assigned the approval mark IND/09/10/154;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

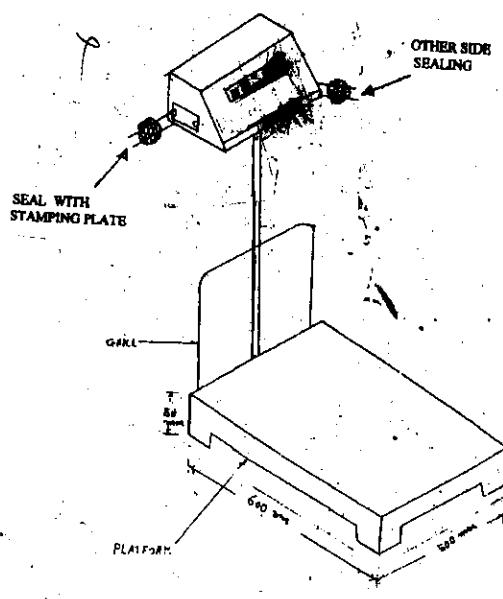
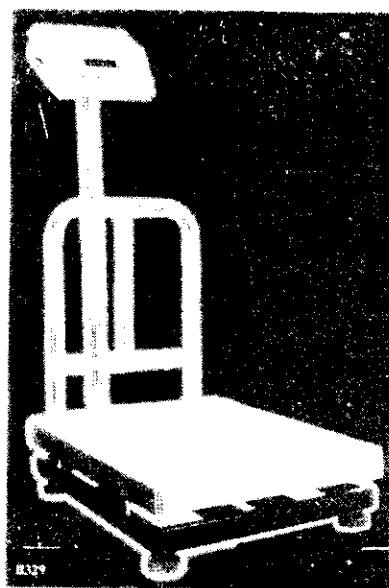


Figure-2 Schematic diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above. The instrumental has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(114)/2010]

B. N. DIXIT, Director of Legal Metrology

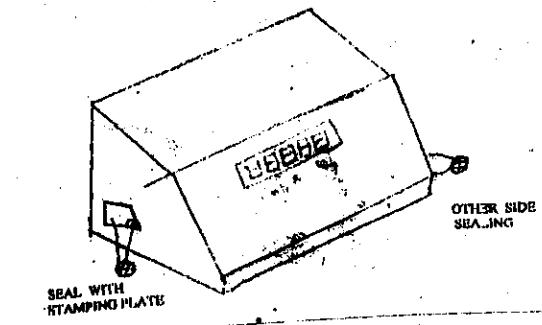
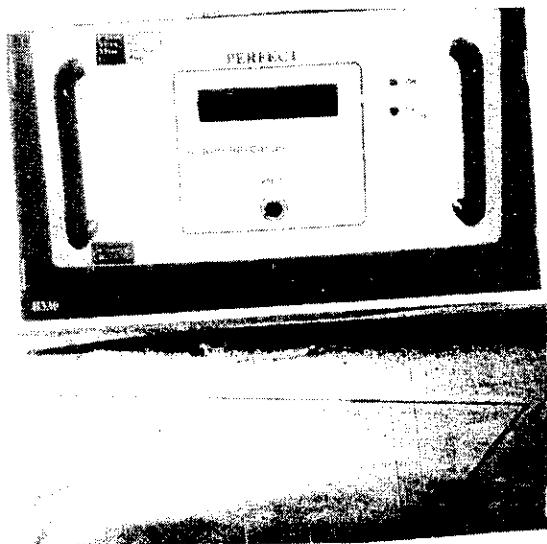
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 540.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स परफेक्ट स्केल सेल्ज एंड सर्विस, 12, भावेश शोपिंग सेंटर, रेलवे स्टेशन के पास, होटल रॉयल पैलेस के पीछे, जी आई डी सी अंकलेश्वर-393002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डब्ल्यूपीएस-5” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलैक्ट्रोनिक वेब्रिज) के मॉडल का, जिसके ब्रांड का नाम “परफेक्ट” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/155 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलैक्ट्रोनिक वेब्रिज) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बॉडी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(114)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 540.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of Medium Accuracy (Accuracy class-III) of series "WPS-5" and with brand name "PERFECT" (hereinafter referred to as the said model), manufactured by M/s. Perfect Scale Sales & Service, 12, Bhavesh Shopping Centre, Nr. Railway Station, B/H Hotel Royal Palace, G.I.D.C. Ankleshwar-393002 and which is assigned the approval mark IND/09/10/155.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1

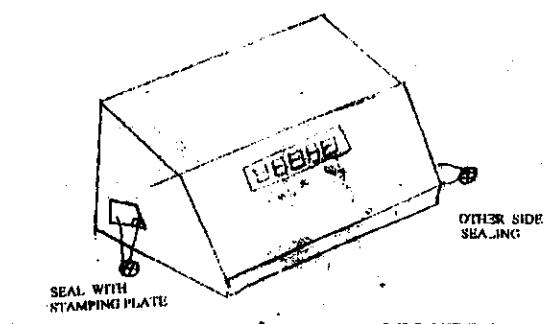
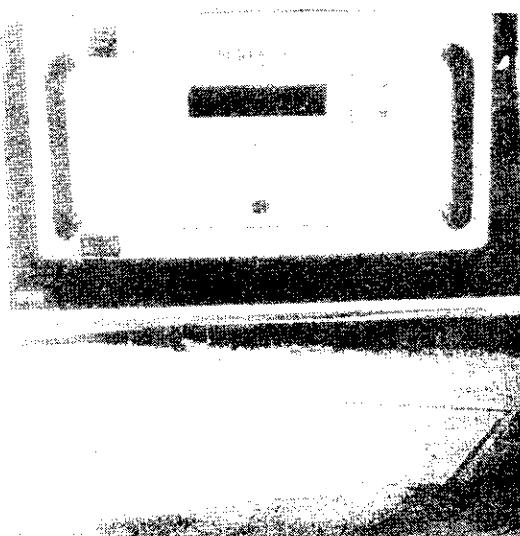


Figure-2 Sealing provision of the indicator of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value 5g. or above and with 'e' value of 1×10^k , 2×10^k , or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F. No. WM-21(114)/2010]

B. N. DIXIT, Director of Legal Metrology

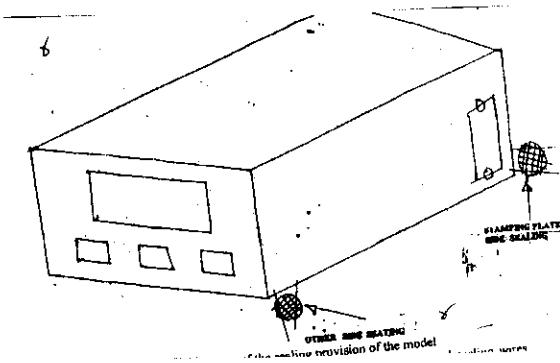
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 541.—केन्द्रीय सरकार का विहित ग्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स, परफेक्ट स्केल सेल्ज एंड सर्विस, 12 भावेश शॉपिंग सेंटर, रेलवे स्टेशन के पास, होटल रॉयल पेलेस के पीछे, जी आई डी सी अंकलेश्वर-393002 द्वारा विनिर्मित यथार्थता वर्ग, X(1) वाले स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण के मॉडल का, जिसके ब्रांड का नाम “परफेक्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/156 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण टाइप है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. सहित उत्पाद की भाँति और प्रकार पर आधारित फिल्सरेट 10 पैकेट प्रति मिनट है। मापमान अंतराल (d) 5 ग्रा. है। मशीन को फ्री फ्लोइंग, नॉन डिस्ट्री उत्पाद आदि भने के लिए डिजाइन किया गया है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 सीलिंग प्रावधान का योजनाबद्ध डायग्राम

डिस्प्ले पर सीलिंग की गयी है, स्क्रू के साथ स्टाम्पिंग प्लेट को लगाया गया है और सीलिंग वायर बाड़ी में से निकाल कर स्टाम्पिंग के लिए सील से जोड़ा गया है। सील तोड़े बिना इंडीकेटर को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्रा. से 300 कि.ग्रा. तक की रेंज में होंगे।

[फा. सं. डब्ल्यू एम-21(114)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 541.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument belonging to Accuracy Class, X (1) with brand "PERFECT" (hereinafter referred to as the said model), manufactured by M/s. Perfect Scale Sales & Service, 12, Bhavesh Shopping Centre, Nr Railway Station, B/H Hotel Royal Palace, G.I.D.C. Ankleshwar-393002 and which is assigned the approval mark IND/09/10/156.

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument. It has a maximum capacity of 30 kg and minimum capacity of 1 kg a frequency of weighing 10 packs per minute depending upon the quantity and nature of the product. The scale interval (d) is 5g. The machine is designed for filling the free flowing non-sticky, non-dusty products. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

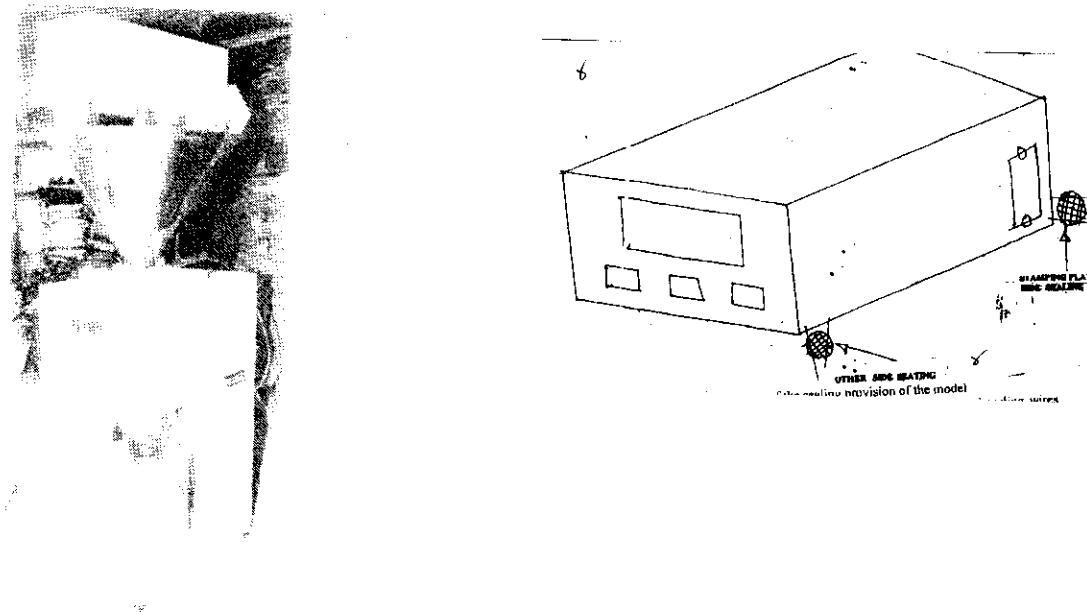


Figure-2 Sealing diagram of the sealing provision of the model

Sealing is done on the display, stamping plate is fitted with screw and sealing wires passed through body and connected to the seal for stamping. The indicator cannot be opened without breaking the seal. A typical schematic diagram of sealing provision of the model is given above.

A instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity from 100 g to 300 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(114)/2010]

B. N. DIXIT, Director of Legal Metrology

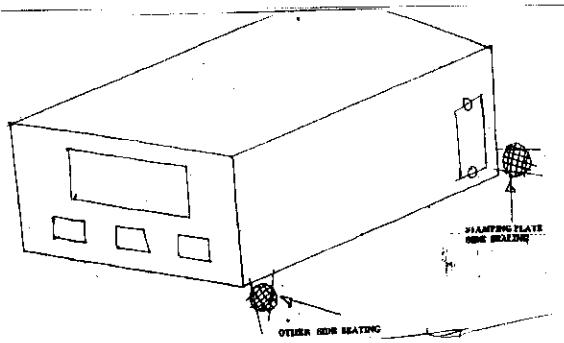
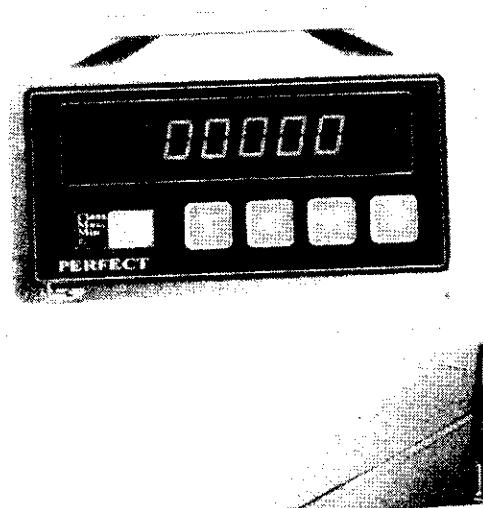
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 542.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स परफेक्ट स्केल सेल्ज एंड सर्विस, 12 भावेश शोपिंग सेंटर, रेलवे स्टेशन के पास, होटल रॉयल पेलेस के पीछे, जी आई डी सी अंकलेश्वर-393002 द्वारा विनिर्भित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “सीपीएस-4” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलैक्ट्रोनिक वेब्रिज-कन्वर्सन) के मॉडल का, जिसके ब्रांड का नाम “परफेक्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/157 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलैक्ट्रोनिक वेब्रिज-कन्वर्सन किट) है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

मशीन को कपटपूर्ण व्यवहार हेतु खोलने से बचाने के लिए सीलिंग की जाती है। स्टाम्पिंग के लिए स्केल की बाढ़ी और बेस प्लेट और टाप कवर में से सीलिंग बायर लीड सील के साथ निकाल कर स्टाम्पिंग प्लेट को जोड़ा गया है। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्भित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 1 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या त्रट्यात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(114)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 542.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights of Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge-Conversion kit) with digital indication of medium Accuracy (Accuracy class-III) of series "CPS-4" and with brand name "PERFACT" (hereinafter referred to as the said model), manufactured by M/s. Perfect Scale Sales & Service, 12, Bhavesh Shopping Centre, Nr Railway Station, B/H Hotel Royal Palace, G.I.D.C. Ankleshwar-393002 and which is assigned the approval mark IND/09/10/157.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge-Conversion kit) with a maximum capacity of 30 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

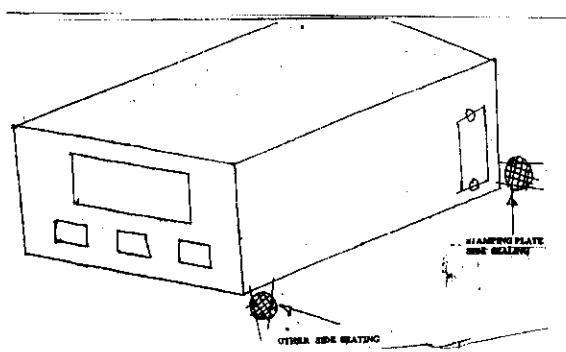
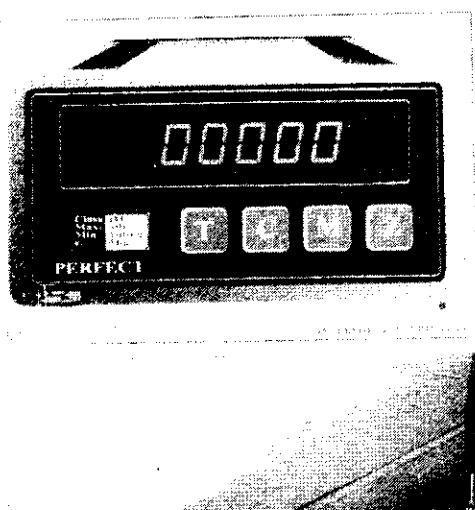


Figure-3 Sealing provision of the indicator of the model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the body of scale through base plate and top cover with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 150 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value 5 g or above and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(114)/2010]

B. N. DIXIT, Director of Legal Metrology

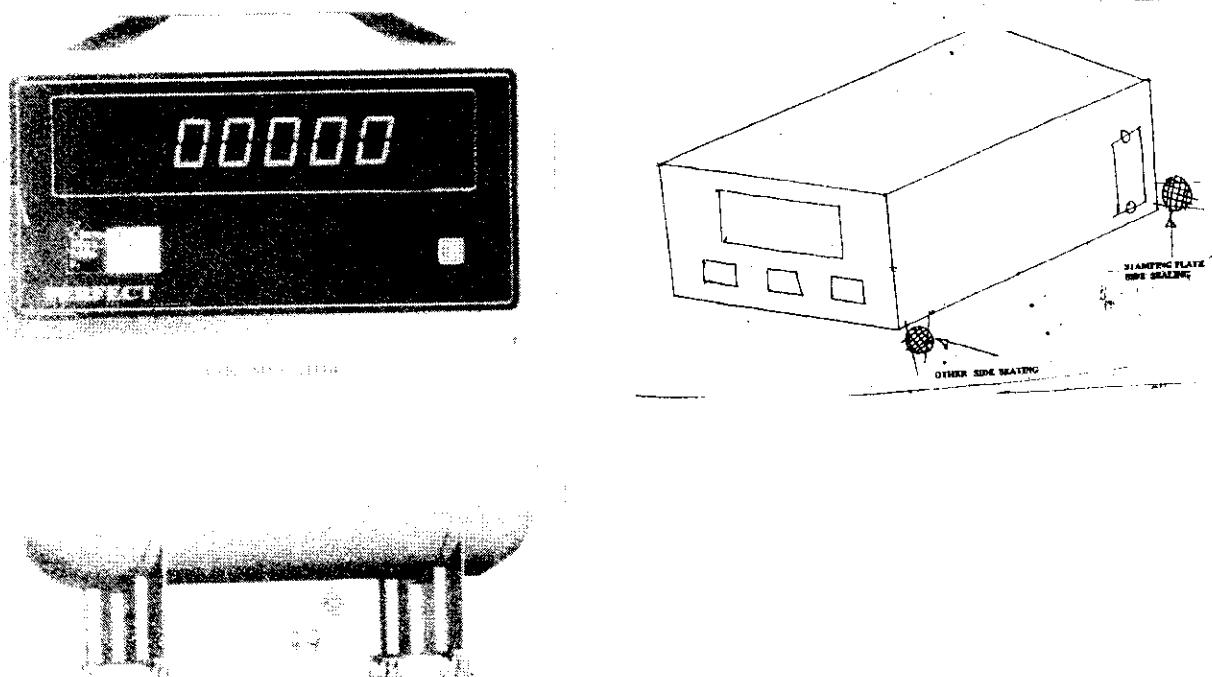
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 543.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स परफेक्ट स्केल सेल्ज एंड सर्विस, 12 भावेश शोपिंग सेंटर, रेलवे स्टेशन के पास, होटल रॉयल पेलेस के पीछे, जी आई डी सी अंकलेश्वर-393002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “टीडब्ल्यूपीएस-2” शृंखला के अंकक सूचन सहित, अस्वचालित, फ्लेमप्रूफ इंडीकेटर सहित तोलन उपकरण (टैक वेइंग टाइप) के माडल का, जिसके ब्रांड का नाम “परफेक्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/158 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित, फ्लेमप्रूफ इंडीकेटर सहित तोलन उपकरण (टैक वेइंग टाइप) है। इसकी अधिकतम क्षमता 10000 कि.ग्रा. और न्यूनतम क्षमता 40 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनामक धारित आधेयतुलन प्रधाय है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

स्टार्पिंग स्लेट को स्कूल के साथ लगाकर और सीलिंग बायर बाड़ी में से निकाल कर, स्टार्पिंग के लिए सील से जोड़ कर डिस्प्ले पर सीलिंग की जाती है। सील तोड़े बिना इंडीकेटर को खोला नहीं जा सकता। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घायणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित। टन से 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(114)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 543.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights of Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with flameproof indicator (Tank Weighing type) with digital indication of Medium Accuracy (Accuracy class-III) of series "TWPS-2" and with brand name "PERFECT" (hereinafter referred to as the said Model), manufactured by M/s. Perfect Scale Sales & Service, 12, Bhavesh Shopping Centre, Nr. Railway Station, B/H Hotel Royal Palace, G.I.D.C. Ankleshwar-393002 and which is assigned the approval mark IND/09/10/158.

The said model is a strain gauge type load cell based non-automatic weighing instrument with flameproof indicator (Tank Weighing type) with a maximum capacity of 10000 kg and minimum capacity of 40 kg. The verification scale interval (e) is 2 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

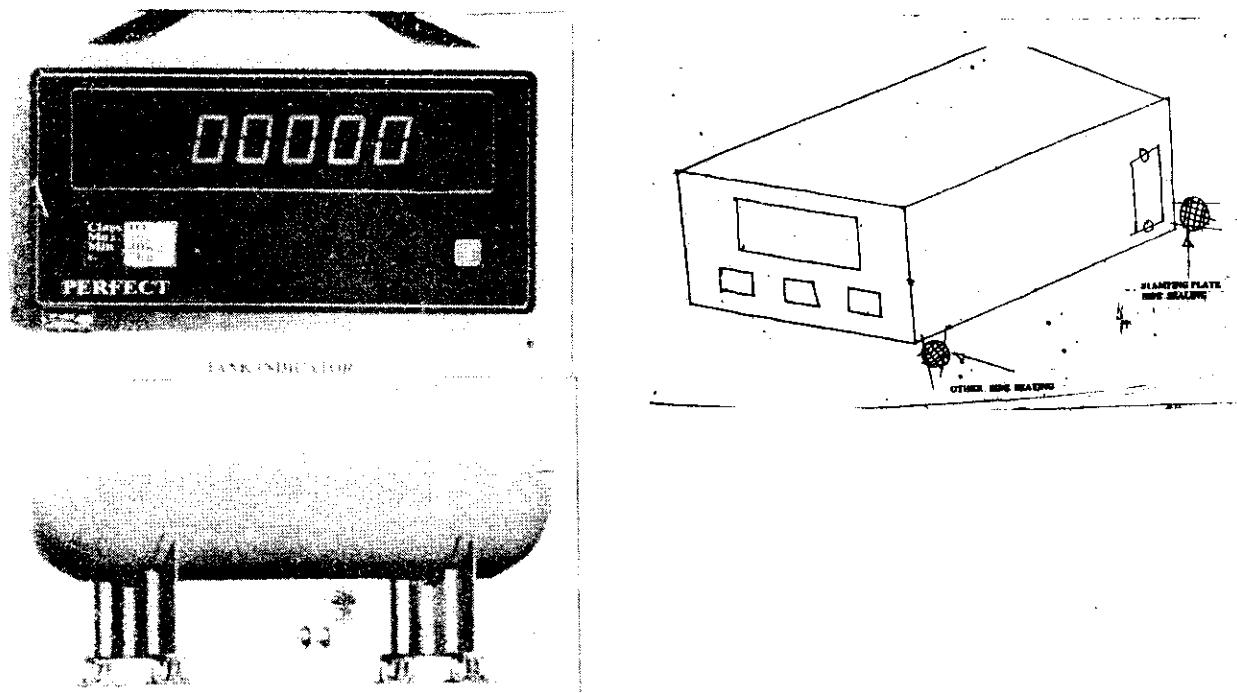


Figure-2 : Sealing diagram of the sealing provision of the model.

Sealing is done on the display, stamping plate is fitted with screw and sealing wires passed through body and connected to the seal for stamping. The indicator cannot be opened without breaking the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities in the range of 1tonne to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100 g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(114)/2010]

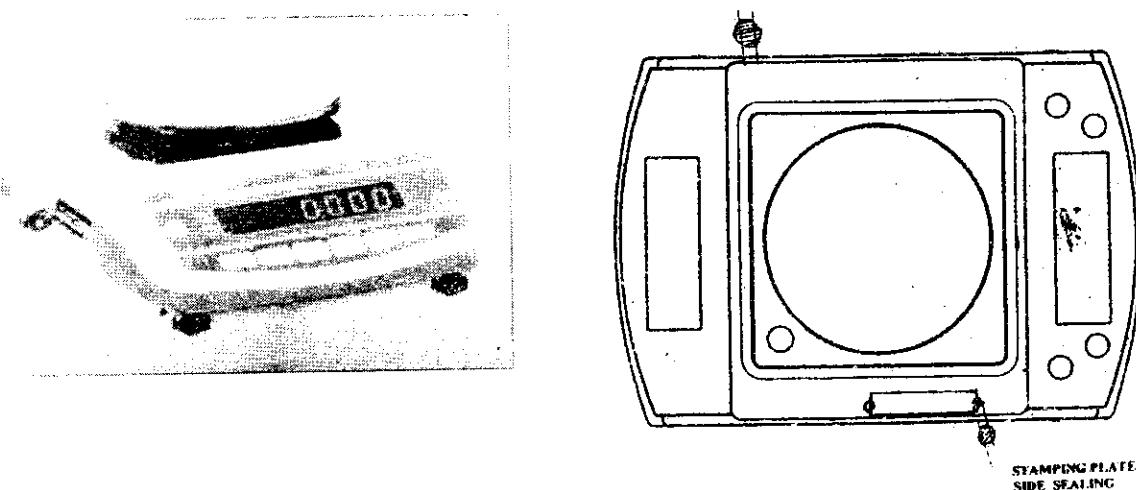
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 544.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप विज्ञान अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स बेटैक बेइंग सोल्यूशन 55, राधे एस्टेट, फेज IV जीआईडीसी, बटवा, अहनदाबाद-382445 द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग 1) वाले "डब्ल्यूईएम-10" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "बेटैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/306 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

आकृति-1



आकृति-2 : उपकरण के मॉडल का सीलिंग प्रावधान।

स्केल की बाढ़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलांबंद करने के उपबंध का एक प्ररूपी गोजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप म्यूच भी दिया गया है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 50,000 या अधिक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(204)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

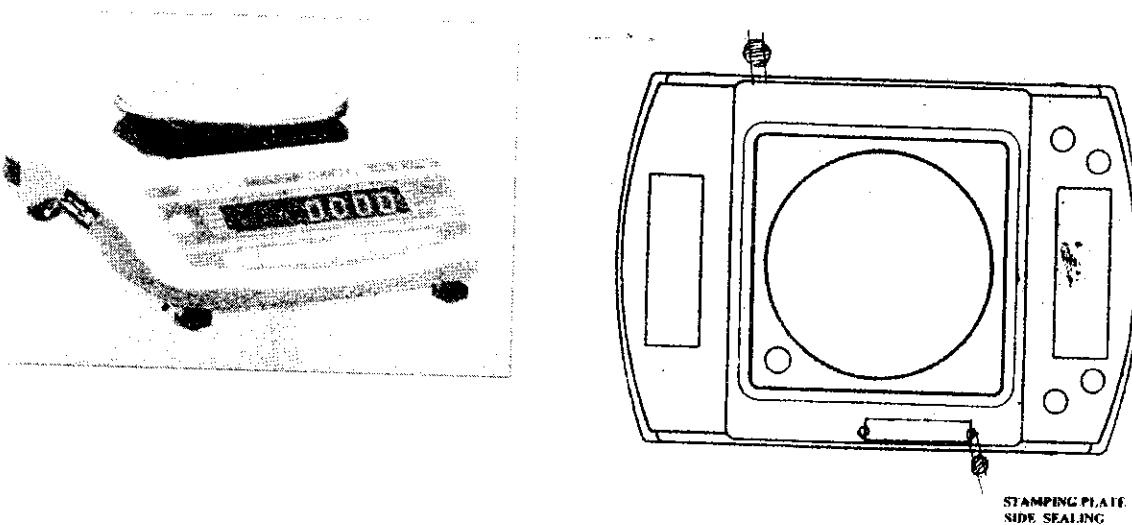
New Delhi, the 31st October, 2011

S.O. 544.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of special accuracy (Accuracy class-I) of series "WEM-10" and with brand name "WEITECH" (hereinafter referred to as the said model), manufactured M/s. Weitech Weighing Solution 55, Radhe Estate, Phase IV, G.I.D.C., Vatwa, Ahmedabad, 382445 and which is assigned the approval mark IND/09/10/306.

The said model is an electro magnetic force compensation principle non-automatic weighing instrument with a maximum capacity of 1000 g. and minimum capacity of 1g. The verification scale interval (e) is 10 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The LED/LCD display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1



Sealing is done by passing the sealing wire from the body of the indicator through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 50,000 or above for 'e' value of 1mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(204)/2010]

B. N. DIXIT, Director of Legal Metrology

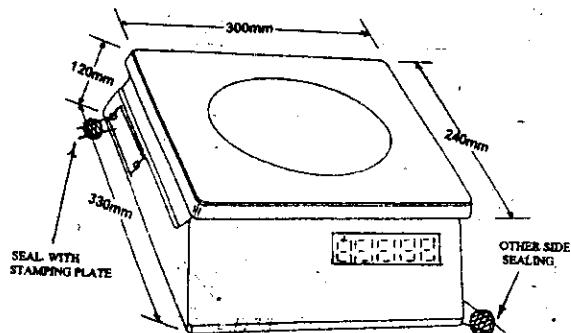
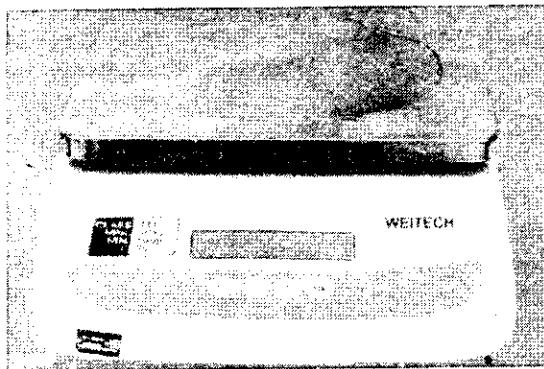
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 545.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट माप विज्ञान अधिनियम, 1976 (1976 का 60) तथा बाट माप विज्ञान (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स वीटेक वेइंग सोल्यूशन 55, राधे एस्टेट, फेज IV, जीआईडीसी, बटवा, अहमदाबाद-382445 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "डब्ल्यूई-11" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "वीटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/307 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकृत क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तलात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाड़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए.डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^8 , 2×10^8 और 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(204)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 545.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights of Measures Act, 1976(60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "WET-11" and with brand name "WEITECH" (hereinafter referred to as the said model), manufactured by M/s. Weitech Weighing Solution 55, Radhe Estate, Phase IV, G.I.D.C., Vatwa, Ahmedabad, 382445 and which is assigned the approval mark IND/09/10/307.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top Type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode LED display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1

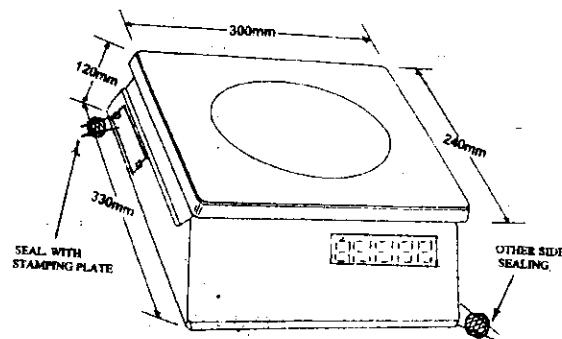
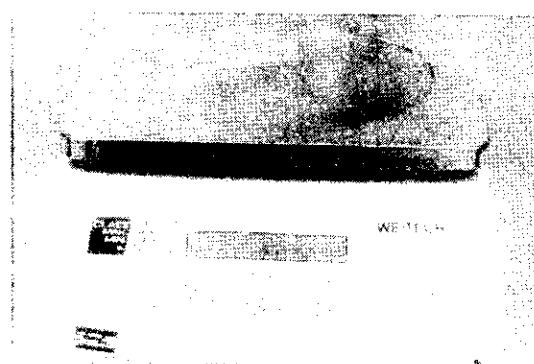


Figure-2 Schematic diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section(12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(204)/2010]

B. N. DIXIT, Director of Legal Metrology

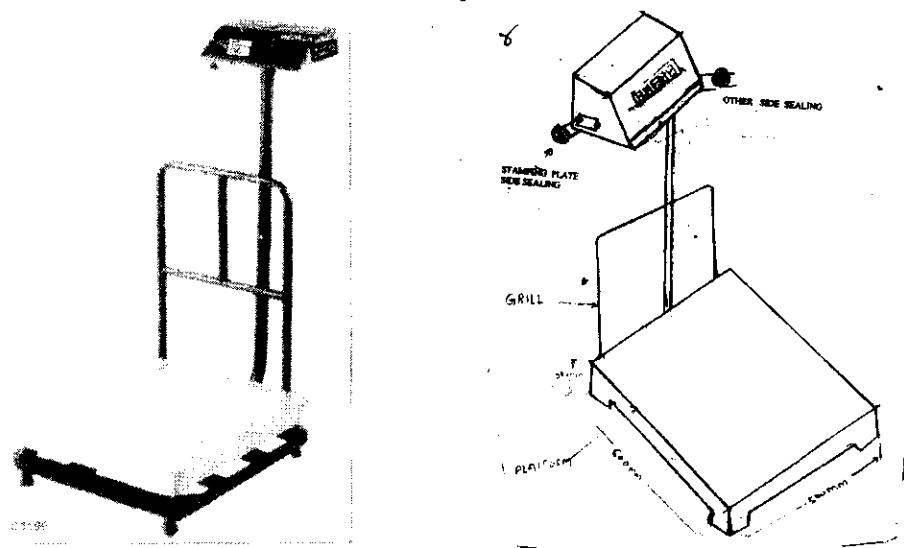
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 546.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स वीटेक वेइंग सोल्यूशन 55, राधे एस्टेट, फेज IV जीआईडीसी, वटवा, अहमदाबाद-382445 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डब्ल्यूईई-7” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “वीटेक” है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/308 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करता है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाड़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। माडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए.डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे। 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता बनने हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(204)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 546.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of Medium Accuracy (Accuracy class-III) of series "WEP-7" and with brand name "WEITECH" (hereinafter referred to as the said model), manufactured by M/s. Weitech Weighing Solution 55, Radhe Estate, Phase IV, G.I.D.C., Vatwa, Ahmedabad, 382445 which is assigned the approval mark IND/09/10/308.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1

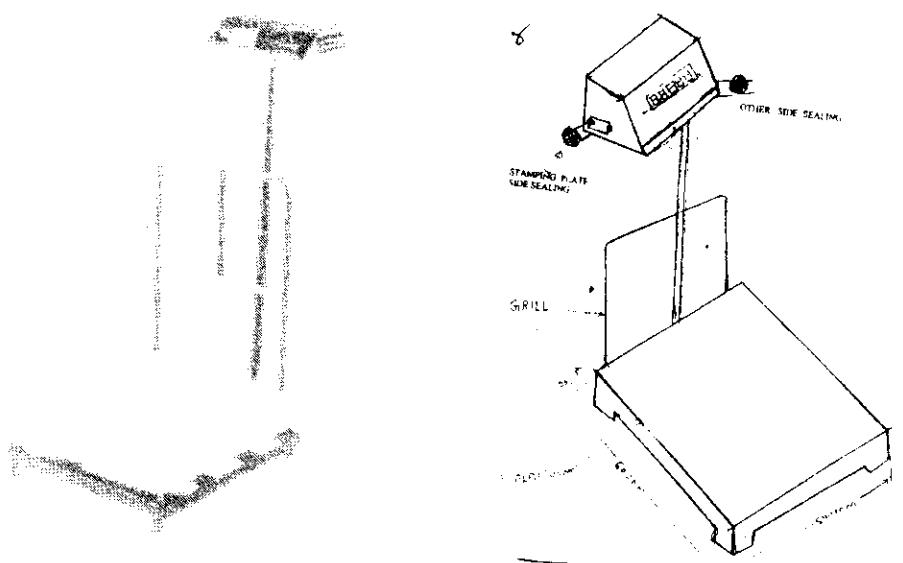


Figure-2 Schematic diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section(12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy, performance and of same series with maximum capacity above 50kg up to 5000kg with number of verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the said manufacturer in accordance with the same principle, design and materials with which, the approved model has been manufactured.

[F. No. WM-21(204)/2010]

B. N. DIXIT, Director of Legal Metrology

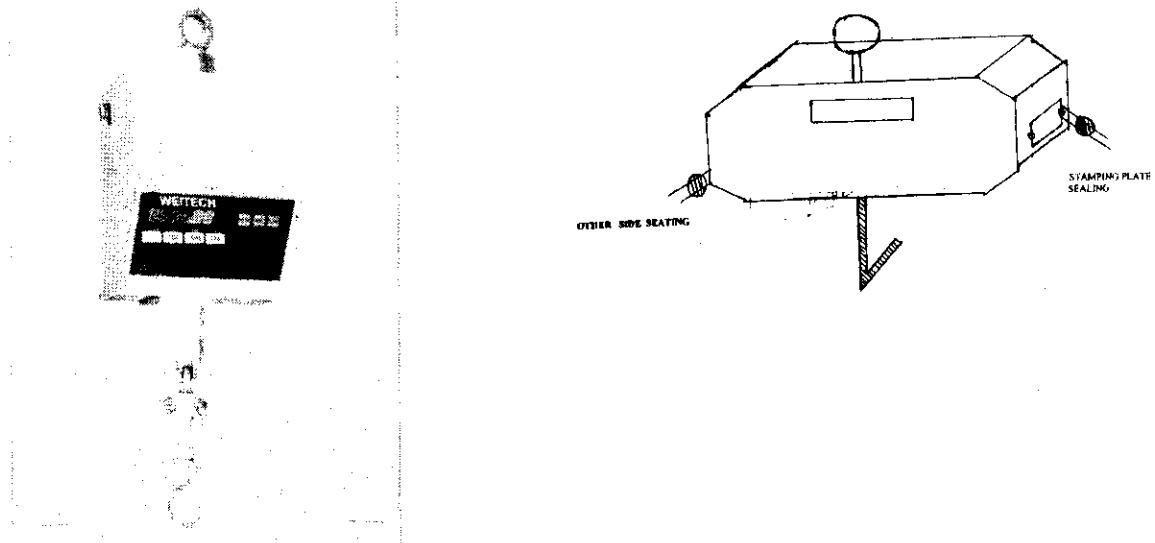
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 547.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स वीटेक वेइंग सोल्यूशन 55, राधे एस्टेट, फेज IV जीआईडीसी, वटवा, अहमदाबाद-382445 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डब्ल्यूईसी-7” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रेन टाइप) के माडल का, जिसके ब्रांड का नाम “वीटेक” है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/309 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रेन टाइप) है। इसकी अधिकतम क्षमता 10000 कि.ग्रा. और न्यूनतम क्षमता 40 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 कि.ग्रा. है। इसमें एक आधेयतुलन यक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्पर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 उपकरण के माडल का सीलिंग प्रावधान

स्केल की बाड़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। माडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी कलिब्रेशन तक पहुंच की सुविधा है। बाहरी कलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से 50 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(204)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 547.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976(60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Crane Type) with digital indication of Medium Accuracy (Accuracy class-III) of series "WEC-7" and with brand name "WEITECH" (hereinafter referred to as the said model), manufactured M/s. Weitech Weighing Solution 55, Radhe Estate, Phase IV, G.I.D.C., Vatwa, Ahmedabad, 382445 and which is assigned the approval mark IND/09/10/309.

The said model is a strange gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 10000 kg. and minimum capacity of 40kg. The verification scale interval (e) is 2kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

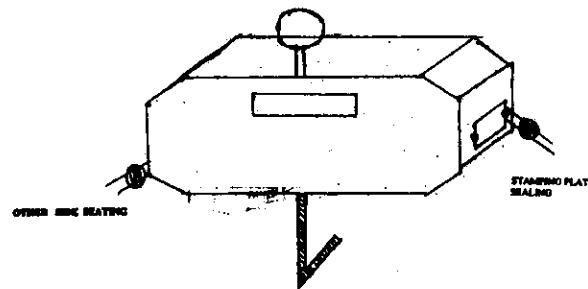
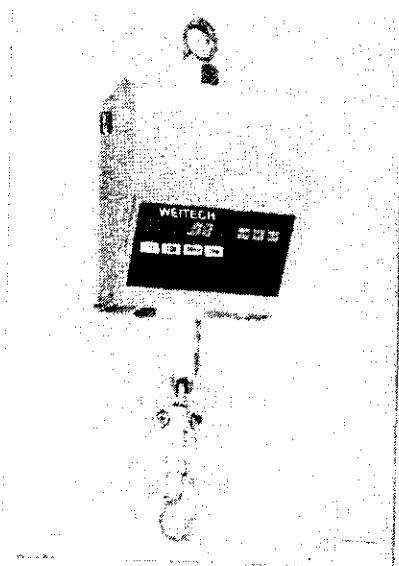


Figure-2 Sealing arrangement

Sealing is done by passing the sealing wire from the body of the indicator through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section(12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity range from 50kg and up to 50 tonne with number of verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k k being the positive or negative whole number or equal to zero manufactured by the said manufacturer in accordance with the same principle, design and materials with which, the approved model has been manufactured.

[F. No. WM-21(204)/2010]

B. N. DIXIT, Director of Legal Metrology

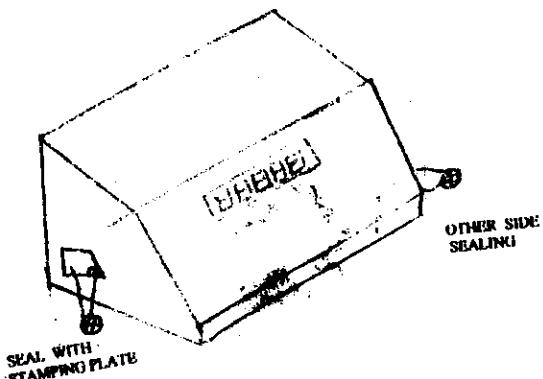
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 548.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संमावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स बीटेक वेइंग सोल्यूशन 55, राधे एस्टेट, फेज IV जीआईडीसी, वटवा, आहमदाबाद-382445 द्वारा विनिर्मित मध्यम यथार्थता वर्ग III) वाले "डब्ल्यूडब्ल्यूई-5" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेग्रिज) के मॉडल का, जिसके ब्रांड का नाम "बीटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/10/310 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेग्रिज) है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



आकृति-2 उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाड़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी कलिब्रेशन तक पहुंच की सुविधा है। बाहरी कलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही भेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो होंगे जो अधिक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 ग्रा. या उससे 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 1000 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(204)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 548.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976(60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of Medium Accuracy (Accuracy Class-III) of series "WEWB-5" and with brand name "WEITECH" (hereinafter referred to as the said model), manufactured by M/s. Weitech Weighing Solution 55, Radhe Estate, Phase IV, G.I.D.C., Vatwa, Ahmedabad, 382445 and which is assigned the approval mark IND/09/10/310.

The said model is a strange gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model (Weighbridge)

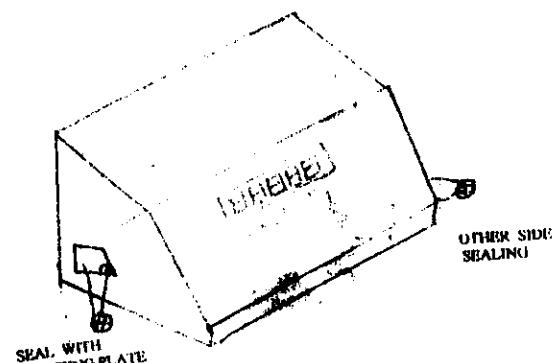


Figure-3 sealing provision of the indicator of the model

Sealing is done by passing the sealing wire from the body of the indicator through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 200 tonne with number of verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k k being the positive or negative whole number or equal to zero manufactured by the said manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F. No. WM-21(204)/2010]

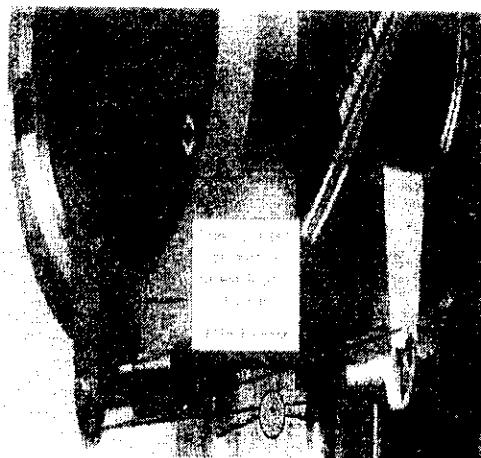
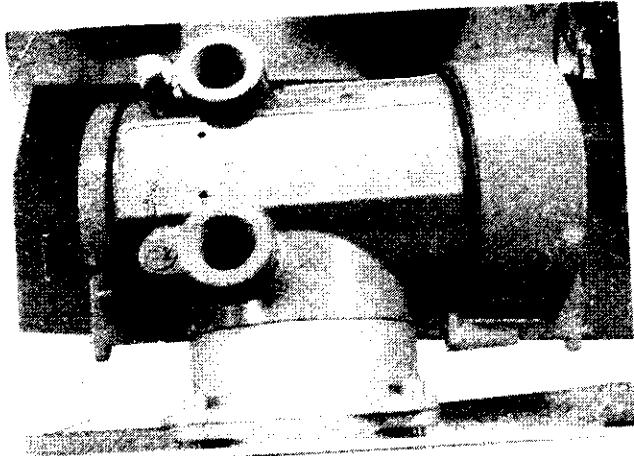
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 549.—केन्द्रीय सरकार का, विहित प्राधिकारी एन एम आई नीदरलैंड, द्वारा जारी माडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात को संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और उप-धारा (8) के तीसरे परन्तुक द्वारा शक्तियों का प्रयोग करते हुए मैसर्स माइक्रो मोशन इन. 7070 विनचेस्टर सर्किल, बाउलडर, सीओ 80301, यू.एस.ए. द्वारा विनिर्मित पर्यावरण वर्ग एम३/ई३ के प्रणाली के भाग के रूप में सीरीज “सीएमएफएचसी + एमवीडी 700” और ब्रांड “माइक्रो माशन” (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) वाले मापमान सेंसर (कोरिओलिस सेंसर) जिसे मापमान उपकरण के पार्ट के रूप में प्रयोग होता है और जिसे भारत में मैसर्स एमरसंन प्रोसेस मैनेजमेंट (इंडिया) प्रा.लि., दूसरा तल, डी विंग, माडर्न मिल्ज कम्पाउंड, साने गुरुजी मार्ग, जकॉब सर्किल, महालक्ष्मी, मुंबई-400 011 द्वारा विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/13/10/388 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक मापन सेंसर (कोरिओलिस सेंसर) है जो ‘पानी के अलावा अन्य द्रव्यों को मापने की प्रणाली’ का भाग है, इसका प्रयोग तेल और तेल के उत्पादों, रसायन, पेय तरल पदार्थ, दाब के अधीन द्रवीभूत गैसों और हिमकारी द्रव्यों को मापन के लिए किया जाता है। मोटर को विशेष कर पाइप लाइन के प्रचालन के लिए डिजाइन किया गया है। ओआईएमएल आर 117-1 के अनुसार परीक्षण किया गया है। मात्रा के मापन के लिए इसकी परिवेशी तापमान का रेंज -200°C/+200°C और परिमाण और घनत्व के मापन के लिए -10°C/+50°C है। अधिकतम संचालन दाब 125 से 205 बार के मध्य है। उपकरण 230 वोल्ट्स, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। न्यूनतम मापन मात्रा 2 कि.ग्रा. है।



कस्टडी ट्रान्सफर मोड को स्थापित करने के बाद सर्विस पोर्ट तक प्रयोग करने वाले को अप्राधिकृत रूप से मानदण्डों को बदलने से बचने के लिए सील किया जाता है।

[फा. सं. डब्ल्यू एम-21(60)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

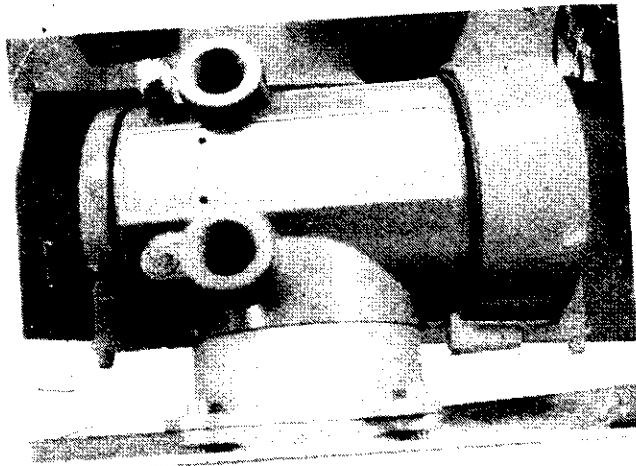
New Delhi, the 31st October, 2011

S.O. 549.—Whereas the Central Government, after considering the report submitted to it by prescribed authority along with the model approval certificate issued by the NMI Netherlands, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Measurement Sensor (Coriolis Sensor) for intended to be used as a part of a Measuring System of environmental class M3/E3 and of series "CMFHC+MVD700" and brand 'MICRO MOTION' (hereinafter referred to as the model), manufactured by M/s Micro Motion Inc. 7070 Winchester Circle Boulder, Co. 80301, USA. And marketed in India by M/s Emerson Process Management (India) Pvt. Ltd., 2nd Floor, D-Wing, Modern Mills Compound Sane Guruji Marg, Jacob Circle, Mahalakshmi Mumbai-400011 and which is assigned the approval mark IND/13/10/388;

The said model is a Measurement Sensor (Coriolis Sensor) which is part of the "Measuring System for liquids other than water" used for measurement of oil and oil products, chemicals, potable liquids, liquefied gases under pressure and cryogenic liquids. The meter has been specifically design for pipe line operation. The test has been conducted according to OIML R117-1. Its ambient temperature range is -200°C/+200°C for measuring mass and -10°C/+50°C for measuring volume & density. The maximum operating pressure is in the range of 125 to 205 bar. The instrument operates on 230 volts, 50 hertz alternative current supply. The minimum measured quantity is 2 kg.

Figure-1



After setting in custody transfer mode, the access to the service port shall be sealed to avoid unauthorized changing of parameters.

[F. No. WM-21(60)/2010]
B. N. DIXIT, Director of Legal Metrology

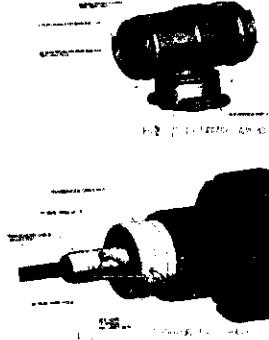
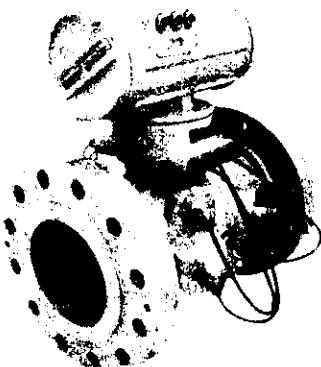
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 550.—केन्द्रीय सरकार का, विहित प्राधिकारी नीदरलैंड मीटिनस्टूट (एन एम आई), नीदरलैंड, द्वारा जारी माडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और उप-धारा (8) के तीसरे परन्तुक द्वारा शक्तियों का प्रयोग करते हुए मैसर्स इमर्सन प्रोसेस मैनेजमेंट, डेनियल मेजरमेंट एंड कंट्रोल आईएनसी, 11100 ब्रिटिश पार्क ड्राइव हॉस्टन, टीएक्स 77041 संयुक्त राज्य अमेरिका द्वारा विनिर्मित और मैसर्स डेनियल मेजरमेंट एंड कंट्रोल इंडिया प्रा. लि., प्लाट नं. 229-300, जीआईडीसी, मरकुरा, वडोदरा-390010, गुजरात द्वारा भारत में विपणीत यथार्थता वर्ग 0.3 वाले "माडल 3804" शृंखला तथा ब्रांड 'डेनियल' के ट्रांसमीटर सहित अल्ट्रासोनिक फ्लो मीटर (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) के माडल और जिसे अनुमोदन विह आई एन डी/09/10/584 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल अल्ट्रासोनिक फ्लो मीटर जो पानी के अलावा अन्य द्रव्यों हेतु मापन सिस्टम का एक भाग है, जिसका प्रयोग लिकिवड पेट्रोलियम, लिकिवड फूड एंड कैमिकल ग्राउटस इन लिकिवड स्टेट मापन के लिए होता है। मीटर को विशेषरूप से पाइप लाइन परिचालन के लिए डिजाइन किया गया है। ओआईएमएल आर 117 के अनुसार माडल का परीक्षण किया गया है माडल की विशेषताएं नीचे दी गई हैं :

Meter size	Maximum Product Dynamic Viscosity (mpa.s)	Q min (m ³ /h)	Qmax (m ³ /h)	Minimum Reynolds Number (-)	Minimum Measured Quantity (m ³)
4"	7	36	360	10000	1
	17	72			
6"	7	72	720	20000	2
8"	0.5			30000	
	7	145	1450	28000	10
	55			10000	
10"	6	225	2250	60000	20
	25	400		19000	
12"	25	200	3170	13000	50
	130	595			
16"	0.6			100000	
	5	500	5000	20000	100
	25				
	65	1000			



इलैक्ट्रॉनिक हाउसिंग एंड कैप सिक्यूरिटी सील को इंड कैप पर इंड कैप से कंपन को रोकने और इलैक्ट्रॉनिक हाउसिंग में गैर-अधिकारिक प्रवेश को रोकने के लिए लगाया गया है। फिर ट्रांसडूसर केबल को ट्रांसडूसर केबन जनैक्टर और ट्रांसडूसर केबल नट के माध्यम से सीलिंग वायर निकाल कर सील किया जाता है।

[फा. सं. डब्ल्यू एम-21(60)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 550.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the NMI Netherlands is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of A Measurement Sensor (Ultrasonic Meter) intended to be used as a part of a Measuring System of accuracy class 0.3 and of series "MODEL 3804" and brand "DANIEL" (hereinafter referred to as the model), manufactured by M/s. Emerson Process Management, Daniel Measurement & Control Inc., 11100 Brittnoore Park Drive Houston, 77041 United States of America and marketed in India by M/s Danile Measurement and Control, India Pvt. Ltd., Plot No. 229-300, GIDC, Markarpura, Vadodara-390010, Gujarat and which is assigned the approval mark IND/09/10/584;

The said model is a Ultra Sonic flow Meter which is part of the "Measuring System for liquids other than water" used for measurement of liquid petroleum, liquid foods & chemical products in liquid state. The meter has been specifically design for pipe line operation. The test has been conducted according to OIML R 117-1. The characteristics of the models are as follows:

Meter size	Maximum Product Dynamic viscosity (mpa.s)	Q min (m ³ /h)	Qmas (m ³ /h)	Minimum Reynolds Number (-)	Minimum Measured Quantity (m ³)
4"	7 17	36 72	360	10000	1
6"	7	72	720	20000	2
8"	0.5 7 55			30000 28000 10000	10
10"	6 25	225 400	2250	60000 19000	20
12"	25 130	200 595m	3170	13000	50
16"	0.6 5 25 65	500	5000	100000 20000	100



The electronic housing end cap security seal is applied at the end caps to prevent vibration from end caps and discourage unauthorized entry in to electronic housing. Then the transducer cable is sealed by passing sealing wire through transducer cable connector and the transducer cable nut.

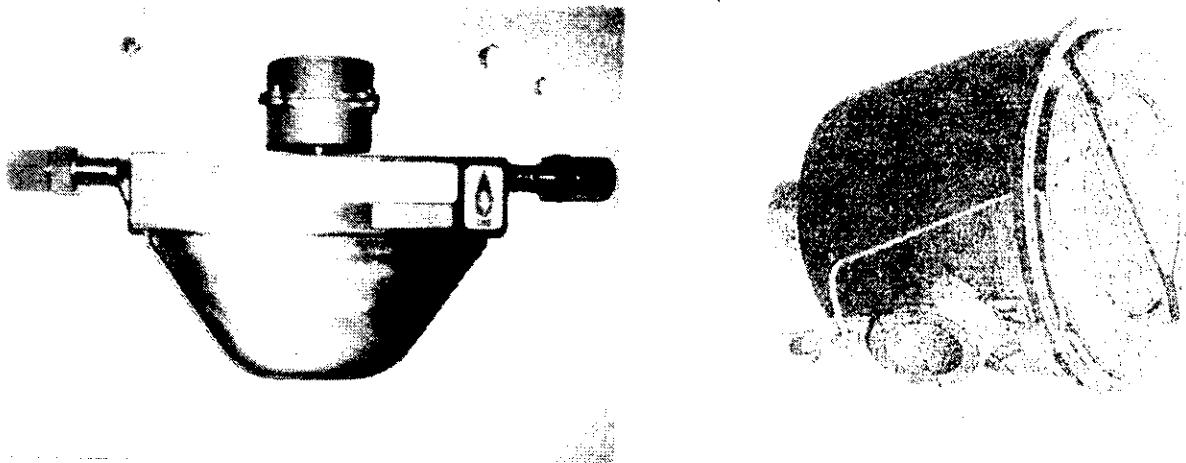
[F. No. WM-21(60)/2010]
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 551.—केन्द्रीय सरकार का, विहित प्राधिकारी पीटीबी जर्मनी, द्वारा जारी माडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपा-पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और उप-धारा (8) के तीसरे परन्तुक द्वारा शक्तियों का प्रयोग करते हुए मैसर्स माइक्रो मोशन इन. 7070 विनचेस्टर सर्किल, बाउलडर, सीओ 80301, यू.एस.ए द्वारा विनिर्मित “सीएनजी 050+एमवीडी 700” शृंखला और ब्रांड “माइक्रो माशन” (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) वाले मापमान सेंसर (कोरिओलिस सेंसर) कम्प्रेस्ट नेचुरल गैस के लिए है जो मापमान उपकरण के पार्ट के रूप में प्रयोग होता है और जिसे भारत में मैसर्स एमरसन प्रोसेस मेनेजमेंट (इंडिया) प्रा.लि., दूसरा तल, डी विंग, मार्डन मिल्ज कम्पाउंड, साने गुरुजी मार्ग, जकॉब सर्किल, महालक्ष्मी, मुंबई-400 011 द्वारा विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/13/10/387 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक मापन सेंसर (कोरिओलिस सेंसर) कम्प्रेस्ट नेचुरल गैस के लिए है जो पानी के अलावा अन्य द्रव्यों को मापने की प्रणाली का भाग है, इसका प्रयोग तेल और तेल के उत्पादों, रसायन, पेथ तरल पदार्थ, दाब के अधीन द्रवीभूत गैसों और हिमकारी द्रव्यों के मापन के लिए किया जाता है। मीटर को विशेष कर पाइप लाइन के प्रचालन के लिए डिजाइन किया गया है। ओआईएमएल आर 117-1 के अनुसार परीक्षण किया गया है। मात्रा के मापन के लिए इसकी परिवेशी तापमान का रेंज $-40^{\circ}\text{C}+60^{\circ}\text{C}$ है। इसकी अधिकतम प्रवाह दर क्यूएमएक्स 77 कि.ग्रा./मिनट और न्यूनतम प्रवाह दर 0.77 कि.ग्रा./मिनट है। अधिकतम संचालन दाब 30 से 345 बार के मध्य है। उपकरण 230 वोल्ट्स, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। न्यूनतम मापन मात्रा 2 कि.ग्रा. है।



कस्टडी ट्रान्सफर मोड में एमवीडी 700 को स्थापित करने के बाद सर्विस पोर्ट तक प्रयोग करने वाले को अप्राधिकृत रूप से मानदण्डों को बदलने से बचने के लिए सील किया जाता है।

[फा. सं. डब्ल्यू एम-21(60)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

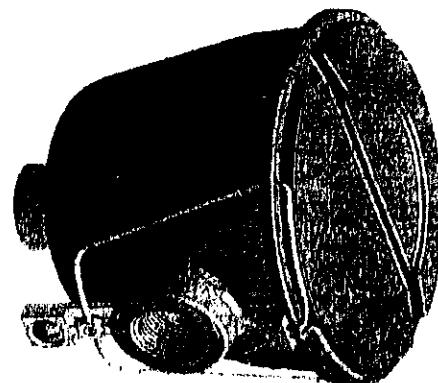
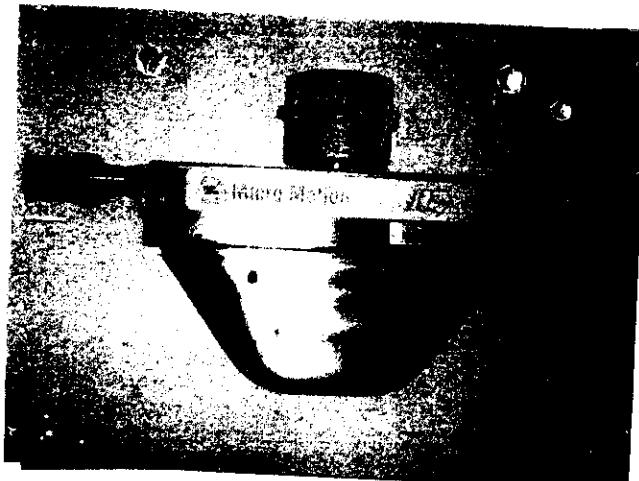
New Delhi, the 31st October, 2011

S.O. 551.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the PTB Germany is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Measurement Sensor (Coriolis Sensor) for Compressed Natural Gas intended to be used as a part of a Measuring System of series "CNG 050+MVD700" and brand 'MICRO MOTION' (hereinafter referred to as the model), manufactured by M/s Micro Motion Inc. 7070 Winchester Circle Bouldor, Co 80301, USA. And marketed in India by M/s Emerson Process Management (India) Pvt. Ltd., 2nd Floor, D-Wing, Modern Mills Compound Sane Guruji Marg, Jacob Circle, Mahalakshmi Mumbai 400011 and which is assigned the approval mark IND/13/10/387;

The said model is a Measurement Sensor (Coriolis Sensor) for Compressed Natural Gas which is part of the "Measuring System for liquids other than water" used for measurement of oil and oil products, chemicals, potable liquids, liquefied gases under pressure and cryogenic liquids. The meter has been specifically design for pipe line operation. The test has been conducted according to OIML R117-1. Its ambient temperature range is -40°C/+60°C. Its maximum flow rate is Qmax is 77Kg/min and minimum flow range Qmin is 0.77Kg/min. The maximum operating pressure is in the range of 30 to 345 bar. The Scale instrument of the instrument is 1 g and minimum measured quantity is 2 kg.

Figure-1



After setting the MVD700 in custody transfer mode, the access to the service port shall be sealed to avoid unauthorized changing of parameters.

[F. No. WM-21(60)/2010]
B. N. DIXIT, Director of Legal Metrology

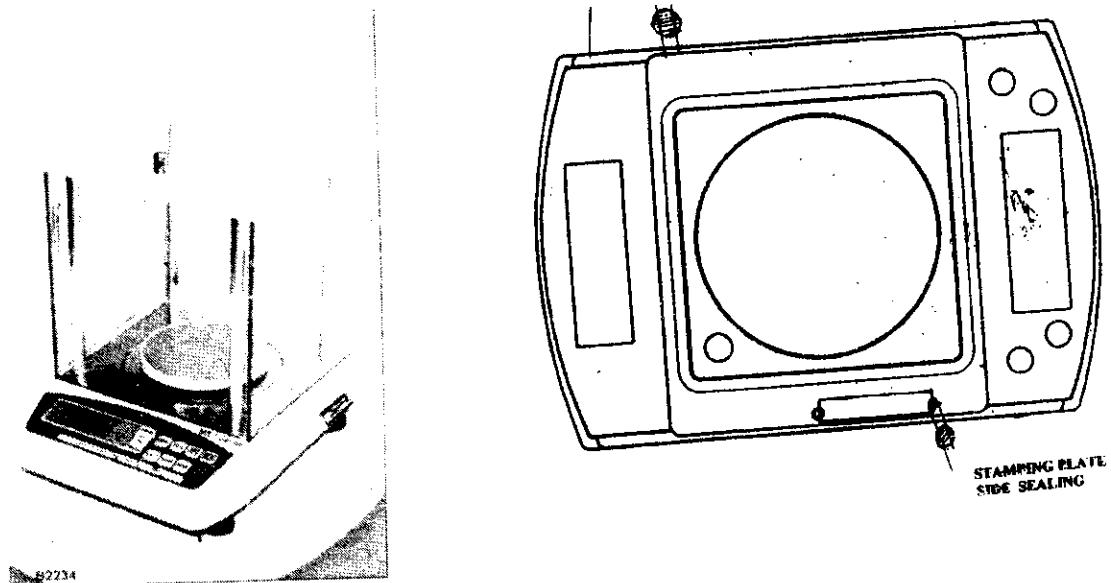
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 552.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल्डर इंस्ट्रूमेंट्स प्रा.लि., डब्ल्यू-345, टी टी सी इंडस्ट्रीयल एरिया, राबेल एम आई डी सी, नवी मुंबई -400701 द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग I) वाले "एमएसआई" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "एल्डर" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/623 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक इलैक्ट्रो मैग्नेटिक फोर्स कम्पनेसेशन प्रिंसिपल पर आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 ग्रा. है और न्यूनतम क्षमता 1 ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। एलईडी/एलसीडी तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति:।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(378)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 552.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Special Accuracy (Accuracy class-I) of series "MSI" and with brand name "ELDER" (hereinafter referred to as the said model), manufactured by M/s Elder Instruments Pvt. Ltd., W-345, T.T.C. Industrial Area Rabale M.I.D.C. Navi Mumbai-400701 which is assigned the approval mark IND/09/10/623;

The said model is a Electro Magnetic Force Compensation Principle based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 1000 g and minimum capacity of 1g. The verification scale interval (e) is 10 mg. It has a tare device with a 100 per cent subtractive retained tare effect. LED/LCD indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternative current power supply.

Figure-1 Model

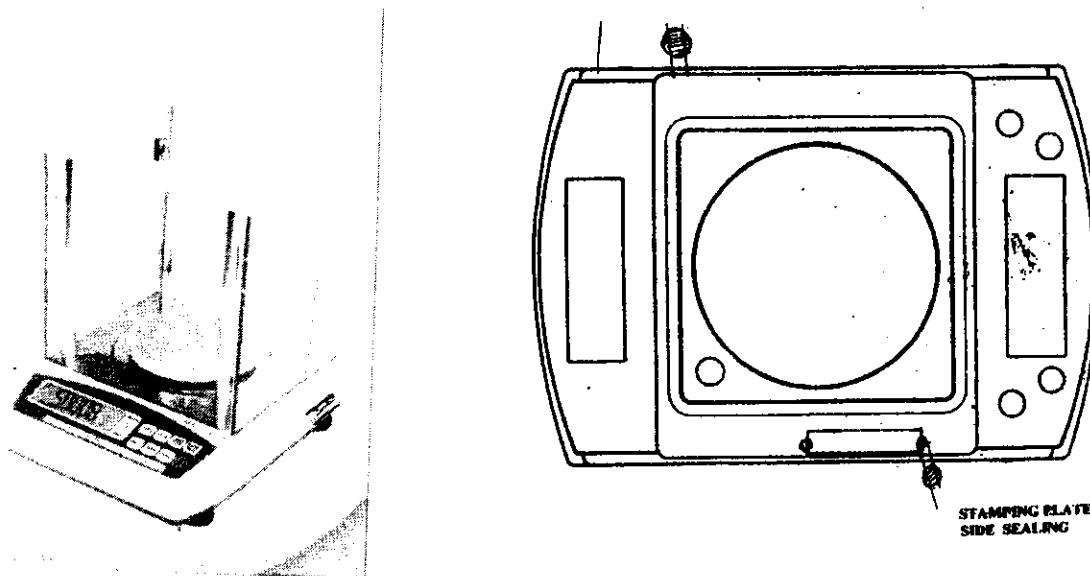


Fig. 2: Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 50,000 or more for 'e' value of 1mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(378)/2010]
B. N. DIXIT, Director of Legal Metrology

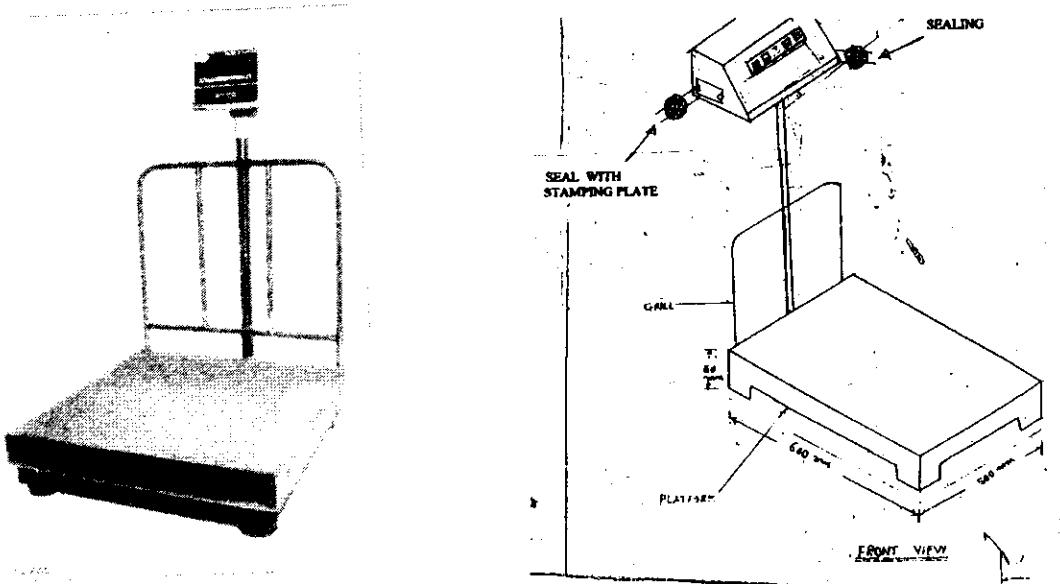
नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 553.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल्डर इंस्ट्रुमेंट्स प्रा.लि., डब्ल्यू-345, टी टी सी इंडस्ट्रीयल एरिया, राबेल एम आई डी सी, नवी मुंबई-400701 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “पीएफडब्ल्यू-३” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “एल्डर” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/624 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति 1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े डिस्प्ले के बेस प्लेट और टॉप कवर में बने छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

New Delhi, the 31st October, 2011

S.O. 553.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Plateform type) with digital indication of medium Accuracy (Accuracy class-III) of series "PFW3" and with brand name "ELDER" (hereinafter referred to as the said model), manufactured by M/s. Elder Instruments Pvt. Ltd., W-345, T.T.C. Industrial Area Rabale M.I.D.C. Navi Mumbai-400701 and which is assigned the approval mark IND/09/10/624;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Plateform Type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternate current power supply.

Figure-1

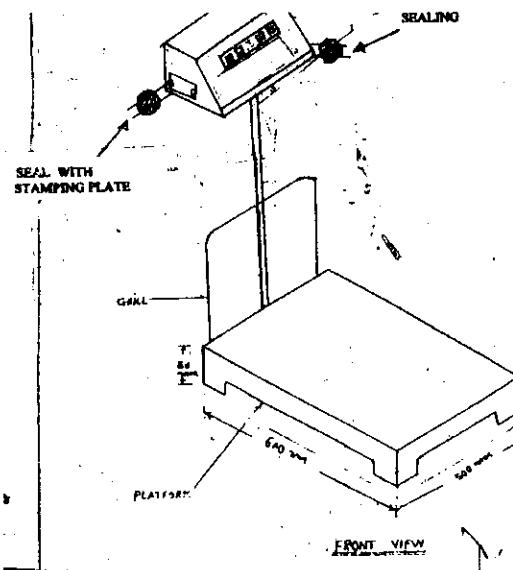
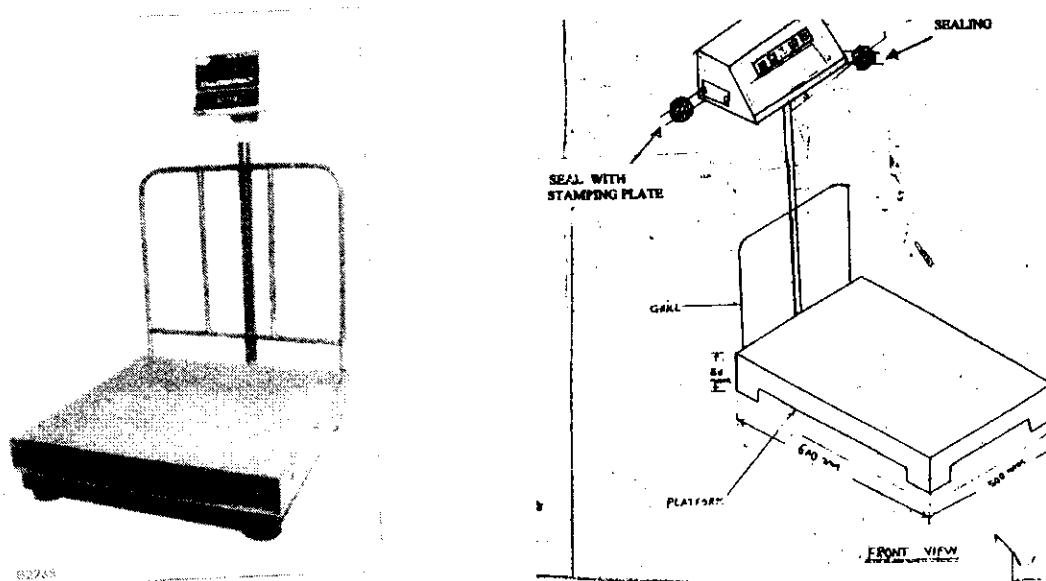


Fig. 2: Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole is base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(378)/2010]
B. N. DIXIT, Director of Legal Metrology

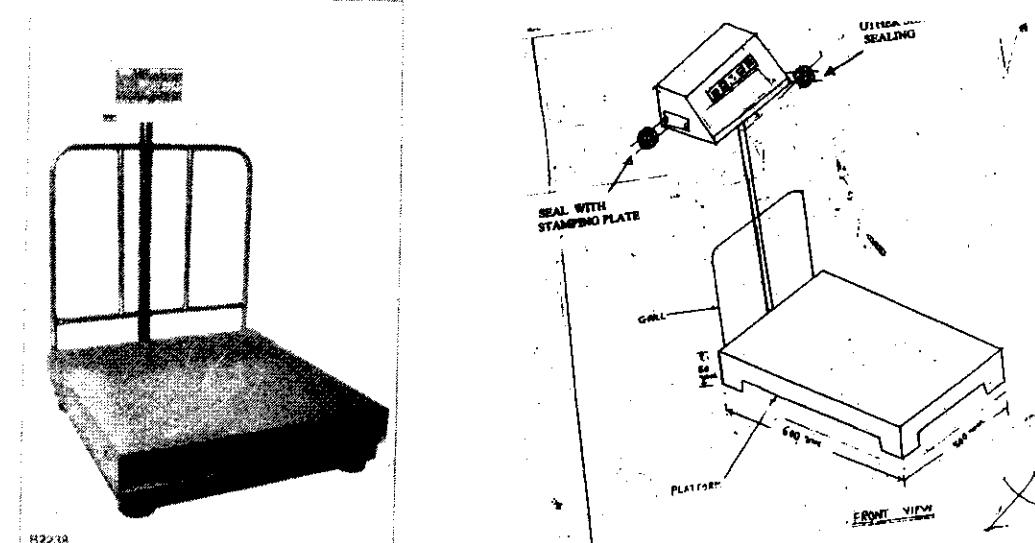
नई दिल्ली, 31 दिसम्बर, 2011

का.आ. 554.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल्डर इंस्ट्रमेंट्स प्रा.लि., डब्ल्यू-345, टी टी सी इंडस्ट्रियल एरिया, राबेल एम आई डी सी, नवी मुंबई-400701 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “पीएफसी-3” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप-काउंटिंग) के मॉडल का, जिसके ब्रांड का नाम “एल्डर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/625 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी घरती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल पर आधारित अस्वचालित (प्लेटफार्म टाइप-काउंटिंग) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शात प्रतिशत व्यक्तलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जन डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(378)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st December, 2011

S.O. 554.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Plateform type-Counting) with digital indication of medium Accuracy (Accuracy Class-III) of series "PFC3" and with brand name "ELDER" (hereinafter referred to as the said Model), manufactured by M/s. Elder Instruments Pvt. Ltd., W-345, T.T.C. Industrial Area Rabale M.I.D.C. Navi Mumbai-400701 and which is assigned the approval mark IND/09/10/625;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Plateform type-Counting) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

Figure-1

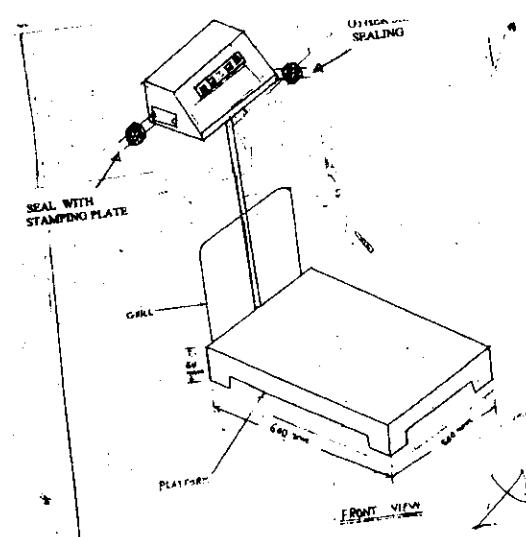
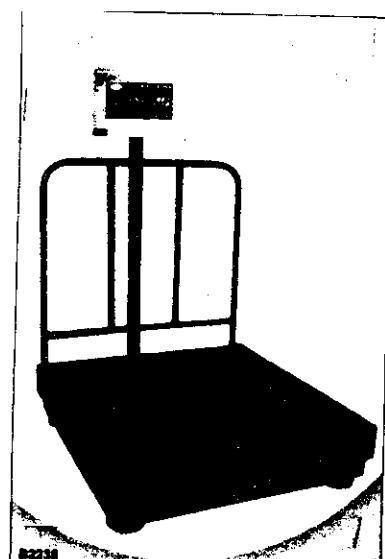


Fig. 2: Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole is base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

(भारतीय मानक व्यूरो)

नई दिल्ली, 18 अक्टूबर, 2011

का.आ. 555.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वह स्थापित हो गए हैं:

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, कि संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 7903:2011 उच्च घनत्व पोलीइथलीन बुने कपड़े से बने तिरपाल-विशिष्ट (चौथा पुनरीक्षण)	—	31-10-2011

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9 बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकता, चंडीगढ़, चैन्नई, मुम्बई तथा शाखा कार्यालयों : अमहदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: टी एक्स डी/जी-25]

अनिल कुमार, प्रमुख एवं वैज्ञानिक 'ई' (टीएक्सडी)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 18th October, 2011

S.O. 555.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been established on the date indicated against each :

SCHEDULE

Sl. No.	No., Title and Year of the Indian Standards Established	No. and year of Indian Standards, if any, superseded by the New Indian Standard	Date of established
(1)	(2)	(3)	(4)
1.	IS 7903:2011 Textiles Tarpaulines made from high desntiy polyethylene woven fabric specification (fourth revision)	—	31-10-2011

Copy of this standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thruvananthapuram.

[Ref. : TXD/G-25]

ANIL KUMAR, Scientist 'E' & Head (TxD)

नई दिल्ली, 23 जनवरी, 2012

का.आ. 556.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खण्ड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों का विवरण नीचे अनुसूची में दिये गये मानक(को) में संशोधन किया गया है:

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 800:2007	1 जनवरी, 2012	31-01-2012

इस संशोधन की प्रति भारतीय मानक व्यूरो, मानक भवन 9 बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कालकत्ता, चण्डीगढ़, चैन्नई, मुम्बई, तथा शाखा कार्यालयों : अमृदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियर)

New Delhi, the 23rd January, 2012

S.O. 556.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued:

SCHEDULE

Sl. No.	No. of Year of the Indian Standard	No. and year of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 800 : 2007	1 January, 2012	31-01-2012

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref.: CED/Gazette]

A.K. SAINI, Scientist 'F' & Head (Civil Engg.)

नई दिल्ली, 25 जनवरी, 2012

का.आ. 557.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खण्ड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि भारतीय मानक के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गए हैं:

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, और शीर्षक	नये भारतीय मानक द्वारा अंतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, कि संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1838 (पार्ट 3) : 2011 कंक्रीट पटरी व सरचनाओं (नॉन एक्सट्रूडिंग व रेजीलियेन्ट प्रकार की) के लिए पहले से तैयार भरण सामग्री-विशिष्टि भाग 3 पॉलिमर आधारित	—	31 दिसम्बर, 2011

इस भारतीय मानक की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकता, चण्डीगढ़, चैनई, मुम्बई, तथा शाखा कार्यालयों अमहादाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 25th January, 2012

S.O. 557.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. of Year of the Indian Standards Established and title	No. and year of Indian Standards, if any, superseded by the new Indian Standard	Date when established
(1)	(2)	(3)	(4)
1.	IS 1838 (Part 3): 2011 Preformed Fillers for Expansion Joints in Concrete Pavements and Structures (Non-Extruding and Resilient Type)—Specification: Part 3 Polymer Based	—	31 December, 2011

Copy of this standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref. : CED/Gazette]

A.K. SAINI, Scientist 'F' & Head (Civil Engg.)

नई दिल्ली, 25 जनवरी, 2012

का.आ. 558.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (को) में संशोधन किया गया/किये गये हैं:

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (को) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 10322 (भाग 4): 1984	1 दिसम्बर, 2011	25 जनवरी, 2012

इस भारतीय मानक संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली 110002 क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकता, चण्डीगढ़, चैनई, मुम्बई, तथा शाखा कार्यालयों अमहादाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: ईटी 24/टी 67]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 25th January, 2012

S.O. 558.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. of Year of the Indian Standards	No. and year of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 10322 (Part 4) : 1984 Specification for Luminaires: part 4 Methods of Tests	1 December, 2011	25 January, 2012

Copies of this amendment are available with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : ET 24/T-67]

R.K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 30 जनवरी, 2012

का.आ. 559.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह वे स्थापित हो गया है :

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, कि संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 13778 (भाग 4) : 2011 कुंडलन तारें-परीक्षण पद्धतियां भाग 4 रासायनिक गुणधर्म (पहला पुनरीक्षण)	—	31 जनवरी, 2012

इस भारतीय मानक की एक प्रति भारतीय मानक व्यूरो, मानक भवन 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चैन्नई, मुम्बई, तथा शाखा कार्यालयों अमहदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: ईटी 33/टी-105]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 30th January, 2012

S.O. 559.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the Indian Standards to the Indian Standards particulars of which is given in the Schedule hereto annexed has been issued :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standard	No. and year of Indian Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 13778 (Part 4): 2011 Winding Wires test methods part 4 chemical properties (First Revision)	..	30 January, 2012

Copy of this standards available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : ET 33/T-105]

R.K. TREHAN, Scientist 'E' & Head (Electro-Technical)

नई दिल्ली, 30 जनवरी, 2012

का.आ. 560.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानक का विवरण नीचे अनुसूची में दिए गए हैं वो स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, कि संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15897: 2011 भू-गर्भीय जल अध्ययन के लिए सतह का भूभौतिकीय सर्वेक्षण	—	31 दिसम्बर, 2011

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चंडीगढ़, चैन्सी, मुम्बई, तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: डब्ल्यू आर डी 3/टी-16]

जे. सी. अरोड़ा, वैज्ञानिक 'एफ' एवं प्रमुख (जल संसाधन विभाग)

New Delhi, the 30th January, 2012

S.O. 560.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard, particulars of which is given in the Schedule hereto annexed has been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. Title and Year of the Indian Standards Established	No. and year of Indian Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15897 : 2011 Surface Geophysical Surveys for Hydro Geological Studies	—	31 December, 2011

Copy of this standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : WRD 3/T-16]

J. C. ARORA, Scientist 'F' & Head (Water Resources Deptt.)

नई दिल्ली, 31 जनवरी, 2012

का.आ. 561.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि भारतीय मानक के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गये हैं :

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 2095 (भाग 1) : 2011 जिप्सम के प्लास्टर बोर्डों की विशिष्टि : भाग 1 सादे जिप्सम के प्लास्टर बोर्ड (तीसरा पुनरीक्षण)	आई एस 2095 (भाग 1) : 1996 जिप्सम के प्लास्टर बोर्डों की विशिष्टि : भाग 1 सादे जिप्सम के प्लास्टर बोर्ड (दूसरा पुनरीक्षण)	31 दिसम्बर, 2011

इस भारतीय मानक की प्रति भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली 110002 क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चैनई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध है।

[संदर्भ: सीईडी राजपत्र]

ए. के. सैनी, वैज्ञानिक 'जी' व प्रमुख (सिविल इंजीनियर)

New Delhi, the 31st January, 2012

S.O. 561.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established and Title	No. and year of Indian Standards, if any, superseded by the new Indian Standard	Date when Established
(1)	(2)	(3)	(4)
1.	IS 2095 (Part 1) : 2011 Gypsum Plaster Boards—Specification: Part 1 Plain Gypsum Plaster Boards (Third Revision)	IS 2095 (Part 1) : 1996 Gypsum Plaster Boards—Specification: Part 1 Plain Gypsum Plaster Boards (Second Revision)	31 December, 2011

Copy of this standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref. : CED/Gazette]

A.K. SAINI, Sc. 'G' & Head (Civil Engg.)

(खाद्य और सार्वजनिक वितरण विभाग)

नई दिल्ली, 31 जनवरी, 2012

का.आ. 562.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन भारतीय खाद्य नियम के निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:—

भारतीय खाद्य नियम,

जिला कार्यालय, पोर्ट ब्लेयर

[सं. ई 11011/1/2008-हिन्दी]

गिरीश शंकर, संयुक्त सचिव

(Department of Food and Public Distribution)

New Delhi, the 31st January, 2012

S.O. 562.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following office of Food Corporation of India under administrative control of the Ministry of Consumer Affairs, Food and Public Distribution (Dept. of Food and Distribution), whereof more than 80 per cent of staff have acquired the working knowledge of Hindi.

Food Corporation of India, District Office, Port Blair.

[No. F]

GIR

(भारतीय मानक व्यूगे)

नई दिल्ली, 1 फरवरी, 2012

(1)	(2)	(3)	(4)
2.	आई एस 4261: 2001—कागज एवं लुगदी पर आधारित पैकेजबंदी सामग्रियों से संबद्ध शब्दावली (पहला पुनरीक्षण)	संशोधन संख्या 1, नवंबर 2011	30 नवंबर, 2011
3.	आई एस 4661:1999—कागज व्यापार और उद्योग में इस्तेमाल किया शब्दों की शब्दावली (द्वितीय पुनरीक्षण)	संशोधन संख्या 1, नवंबर 2011	30 नवंबर, 2011
4.	आई एस 6213 (भाग 8) : 1973— लुगदी के परीक्षण की पद्धतियां भाग 8 बीटिंग, चादर बनाने, हाथ चादरे की तैयारी और परीक्षण	संशोधन संख्या 2, दिसंबर 2011	31 दिसंबर, 2011

इन भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ: सी एच डी15/आईएस 1060, 4261, 4661, 6213]
गानिक 'एफ' एवं प्रमुख (रसायन)

(Bureau of Indian Standards)

New Delhi

S.O. 563.—In pursuance of clause 1 of the Standards Rules, 1987, in the Schedule hereto, the Bureau of Indian Standards is hereby notified that

the following Standards Rules, 1987, in the Schedule hereto, the Bureau of Indian Standards is hereby notified that

in which the Standard shall have effect

4) 30 नवंबर, 2011

30 नवंबर, 2011

the Public

11011/2008-Hindi
S. SANKAR, Jr. Secy.

भारतीय मानक
के अनुसरण में भारतीय मानक
के छंट (ख) के अनुसरण में भारतीय मानक
या गाया/कियं गये हैं:

प्रमाणित
तिथि
(1)
30 नवंबर, 2011

5. नवंबर 2011

2011

नई दिल्ली, 1 फरवरी, 2012

का.आ. 564.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के बिवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3785986	23-12-2011	मौली इंडस्ट्रीज प्लाट नं. 156 वार्ड नं. 48 आयकर कालानी जिला जालना महाराष्ट्र-431203	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543	-	-	2004
2.	3788386	6-1-2012	अस्मिता बेवरेजेज स.नं. 72 देगलूर रोड एट पोस्ट उमरदारी तालुका मुखेड जिला नांदेड महाराष्ट्र-431715	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543	-	-	2004
3.	3772472	11-1-2012	निम्बस बेवरेजेज प्रा. लि. फायनल प्लॉट नं. 80 सब प्लॉट नं. 13 रामटेकडी, हडपसर तालुका हवेली जिला पुणे, महाराष्ट्र-411028	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543	-	-	2004
4.	3738270	13-1-2012	श्रीनिवासा इंडस्ट्रीज ह. नं. 10-2-665/1ए कौथा, जिला नांदेड महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543	-	-	2004
5.	3755775	13-1-2012	किसानवीर सहकारी साखर कारखाना लि. गट सं. 1513 और 1514 भुइंज, किसानवीर नगर तालुका वाई, जिला सातारा महाराष्ट्र-415530	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543	-	-	2004
6.	3793581	11-1-2012	वॉकर फुटवियर इंडस्ट्रीज लि. स. नं. 342/1, (भाग) अब्बेडवेट तालुका मुलशी जिला पुणे महाराष्ट्र-412108	व्यावसायिक उपयोग के लिए सुरक्षित, संरक्षी और नौकरी - पेशा फुटवियर भाग 2 सुरक्षित फुटवियर की विशिष्ट	व्यावसायिक उपयोग के 15298 02	-	-	2002

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3755573	19-1-2012	श्री गणेश फूड इंस्ट्रीज गट सं. 70, चिले वस्ती ए/पी लोनी कालभोर तालुका हवेली जिला पुणे महाराष्ट्र-412201	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) - विशिष्ट	14543	-	-	2004

[सं. के. प्र. वि./13:11]

बी. एम. हनीफ, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 1st February, 2012

S.O. 564.—In pursuance of sub-regulation (5) of the Regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3785986	23-12-2011	Mauli Industries Plot No. 156 Ward No. 48 Income Tax Colony District Jalna Maharashtra-431203	Packaged Drinking Water (Other than packaged natural mineral water)- Specification	14543	-	-	2004
2.	3788386	6-1-2012	Asmita Beverages Sr. No. 72 Degloor Road At Post Umardari Taluka Mukhed District Nanded Maharashtra-431715	Packaged Drinking Water (Other than packaged natural mineral water)- Specification	14543	-	-	2004
3.	3772472	11-1-2012	Nimbus Beverages Pvt. Ltd. Final Plot No. 80 Sub Plot No. 13 Ramtekadi Hadapsar Taluka Haveli District Pune Maharashtra-411028	Packaged Drinking Water (Other than packaged natural mineral water)- Specification	14543	-	-	2004
4.	3738270	13-1-2012	Shriniwasa Industries H. No. 10-2-665/1A Kautha District Nanded Maharashtra	Packaged Drinking Water (Other than packaged natural mineral water)- Specification	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5.	3755775	13-1-2012	Kisanveer Satara Sahakari Sakhar Karkhana Ltd. Gat No. 1513 & 1514 Bhuinj Kisanveer Nagar Taluka Wai District Satara Maharashtra-415530	Packaged Drinking water (Other than packaged natural mineral water) - Specification	14543	-	-	2004
6.	3793581	11-1-2012	Walker Footwear Industries Ltd. S. No. 342/1 (Part) Ambedvet Taluka Mulshi District Pune Maharashtra-412108	Safety, Protective and Occupational Footwear for Professional use - Part 2 : Specification for Safety Footwear	15298	02	-	2002
7.	3755573	19-1-2012	Shree Ganesh Food Industries Gat No. 70 Chile Wasti A/P Loni Kalbhor Taluka Haveli District Pune Maharashtra-412201	Packaged Drinking water (Other than packaged natural mineral water) - Specification	14543	-	-	2004

[No. CMD/13 : 11]

B.M. HANEEM, Scientist 'F' & Head

कोयला मंत्रालय

नई दिल्ली, 3 फरवरी, 2012

का.आ. 565.— केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपर्युक्त अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

और, रेखांक संख्यांक एसईसीएल/बीएसपी/जीएम (पीएलजी)/लैंड/398 तारीख 23 अक्टूबर, 2010 को उक्त अनुसूची में वर्णित भूमि के क्षेत्र का अन्तर्विष्ट किया गया है, उनका निरीक्षण कलेक्टर, रायगढ़ (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साकथ इस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495 006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि से कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति-

- (i) संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप कर सकेगा, या
- (ii) भूमि या ऐसी भूमि में या उस पर किसी पर कोई अधिकार के प्रतिकर में हित का यदि कोई दावा कर सकेगा, या
- (iii) खनन पट्टा अर्जित किये जाने के अधीन अधिकारों की पूर्वेक्षण अनुज्ञाप्ति प्रभावहीन हो जाने और भूमि संबंधी सभी नक्शे, चार्ट्स तथा अन्य दस्तावेजों का परिदान, अयस्कों या अन्य खनिजों के नमूनों का संग्रहण और उनका सम्यक विश्लेषण करने के लिये तथा उक्त अधिनियम की धारा 13 की उप-धारा (7) में निर्दिष्ट कोई अन्य सुसंगत अभिलेखों या सामग्रियों की तैयारी के लिए प्रतिकर,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व), साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे।

अनुसूची

तरईमार, शेरबन्द, बईसी, सरीया, शाहपुर, दुर्गापुर ब्लॉक, रायगढ़ क्षेत्र, जिला-रायगढ़ (छत्तीसगढ़) में कोयले का पूर्वेक्षण के लिए प्रस्तावित भूमि का वर्णन,

(रेखांक संख्यांक एसईसीएल/बीएसपी/जीएम (पीएलजी)/लैंड/398 तारीख 23 अक्टूबर, 2010)

(क) राजस्व भूमि :

क्रम सं.	ग्राम	पटवारी हल्का नम्बर	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	शाहपुर	19	धरमजयगढ़	रायगढ़	448.280	संपूर्ण
2.	दुर्गापुर	19	धरमजयगढ़	रायगढ़	597.196	संपूर्ण
3.	धरमजयगढ़ कालोनी	18	धरमजयगढ़	रायगढ़	936.243	संपूर्ण
4.	तरईमार	19	धरमजयगढ़	रायगढ़	410.710	संपूर्ण
5.	माढरमार	19	धरमजयगढ़	रायगढ़	156.548	संपूर्ण
6.	धरमजयगढ़	17	धरमजयगढ़	रायगढ़	2800.001	संपूर्ण
7.	दर्ढीह	17	धरमजयगढ़	रायगढ़	630.600	संपूर्ण
8.	बईसी कालोनी	18	धरमजयगढ़	रायगढ़	844.051	संपूर्ण
9.	बईसी	19	धरमजयगढ़	रायगढ़	1125.003	संपूर्ण
10.	आमगांव	23	धरमजयगढ़	रायगढ़	499.431	संपूर्ण
11.	भंडारीमुढ़ा	16	धरमजयगढ़	रायगढ़	35.483	संपूर्ण
12.	कनाकुला	16	धरमजयगढ़	रायगढ़	281.270	संपूर्ण
13.	ओगना	16	धरमजयगढ़	रायगढ़	1222.709	संपूर्ण

कुल क्षेत्र : 9987.525 हेक्टर (लगभग) या 24679.174 एकड़ (लगभग)

(ख) वन भूमि :

क्रम सं.	वन का नाम	वन का प्रकार	रेज	डिवीजन	क्षेत्र हेक्टर में	टिप्पणी
1.	शेरबन्द	आरक्षित वन	धरमजयगढ़	रायगढ़	600.000	भाग

कुल क्षेत्र : 600.000 हेक्टर (लगभग) या 1482.60 एकड़ (लगभग)

कुल योग (क+ख) : 10587.525 हेक्टर (लगभग)

या 26161.774 एकड़ (लगभग)

तरईमार, शेरबन्द, बईसी, सरीया, शाहपुर, दुर्गापुर ब्लॉक का सीमा वर्णन :

क-ख रेखा ग्राम धरमजयगढ़ के उत्तरी सीमा पर "क" बिन्दु से आरंभ होती है और ग्राम धरमजयगढ़ के उत्तरी और पूर्वी सीमा से साथ-साथ चलती हुई बिन्दु "ख" पर मिलती है।

ख-ग रेखा ग्राम भंडारीमुढ़ा के उत्तरी और पूर्वी, ग्राम कनाकुला, ओगना, दर्ढीह के दक्षिणी, शेरबन्द आरक्षित वन के पूर्वी, ग्राम आमगांव के पूर्वी, दक्षिणी और पश्चिमी सीमा से साथ-साथ चलती हुई "ग" बिन्दु पर मिलती है।

ग-घ रेखा ग्राम बईसी, बईसी कालोनी के दक्षिणी सीमा से साथ-साथ चलती हुई "घ" बिन्दु पर मिलती है।

घ-क रेखा ग्राम बईसी कालोनी, धरमजयगढ़ कालोनी तथा दुर्गापुर के पश्चिमी सीमा, ग्राम दुर्गापुर, शाहपुर के उत्तरी सीमा से साथ-साथ चलती हुई आरंभिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/27/2010-पी.आर.आई.डब्ल्यू-I]

ए. के. दास, अवर सचिव

MINISTRY OF COAL

New Delhi, the 3rd February, 2012

S.O. 565.—Whereas, it appears to the Central Government that Coal is likely to be obtained from the lands in the locality described in the Schedule annexed hereto;

And whereas, the plan bearing number SECL/BSP/GM (Plg)/Land/398 dated the 23rd October, 2010 of the area covered by this notification can be inspected in the office of the Collector, Raigarh (Chhattisgarh) or in the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or in the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh);

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said act,), the Central Government hereby gives notice of its intention to prospect for coal from lands described in the said Schedule;

Any person interested in the land described in the said Schedule may—

- (i) object to the acquisition of the whole or any part of the land, or of any rights in or over such land, or
- (ii) claim an interest in compensation if the land or any rights in or over such land, or
- (iii) Seek compensation for prospecting licences ceasing to have effect, rights under mining lease being acquired, and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of Section 13 of the said Act,

to the officer-in-charge or Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur - 495006 (Chhattisgarh), within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Brief description of the land to prospect for coal in Taraimar, Sherband, Baisi, Sariya, Shahpur, Durgapur Block, Raigarh Area, District-Raigarh (Chhattisgarh)

(Plan bearing number SECL/BSP/GM (Plg)/Land/398 dated the 23rd October, 2010)

(A) Revenue Land :

Sl. No.	Name of Village	Patawari halka number	Tahsil	District	Area in hectares	Remarks
1.	Shahpur	19	Dhramjaigarh	Raigarh	448.280	Full
2.	Durgapur	19	Dhramjaigarh	Raigarh	597.196	Full
3.	Dhramjaigarh Colony	18	Dhramjaigarh	Raigarh	936.243	Full
4.	Taraimar	19	Dhramjaigarh	Raigarh	410.710	Full
5.	Madharmar	19	Dhramjaigarh	Raigarh	156.548	Full
6.	Dhramjaigarh	17	Dhramjaigarh	Raigarh	2800.001	Full
7.	Darridih	17	Dhramjaigarh	Raigarh	630.600	Full
8.	Baisi Colony	18	Dhramjaigarh	Raigarh	844.051	Full
9.	Baisi	19	Dhramjaigarh	Raigarh	1125.003	Full
10.	Amgaon	23	Dhramjaigarh	Raigarh	499.431	Full
11.	Bhandarimudha	16	Dhramjaigarh	Raigarh	35.483	Full
12.	Kanakula	16	Dhramjaigarh	Raigarh	281.270	Full
13.	Ogana	16	Dhramjaigarh	Raigarh	1222.709	Full

Total : 9987.525 hectares (approximately) or 24679.174 acres (approximately)

(B) Forest Land :

Sl No.	Name of Forest	Type of Forest	Range	Division	Area in hectares	Remarks
1.	Sherband	Reserve Forest (RF)	Dhramjaigarh	Raigarh	600.000	Part

Total :- 600.000 hectares (approximately) or 1482.60 acres (approximately)

Grand Total (A+B) : 10587.525 hectares (approximately)

or 26161.774 acres (approximately)

Boundary Description of Taraimar, Sherband, Baisi, Sariya, Shahpur, Durgapur Block:

A-B Line starts from point 'A' on the northern boundary of village Dhramjaigarh and passes along northern and eastern boundary of village Dhramjaigarh and meets at point "B".

B-C Line passes along northern and eastern boundary of village Bhandarimudha, southern boundary of village Kanakula, Ogana, Darridih, eastern boundary of Sherband Reserve Forest, eastern, southern and western boundary of village Amgaon and meets at Point "C".

C-D Line passes along southern boundary of village Baisi, Baisi Colony and meets at point "D".

D-A Line passes along western boundary of village Baisi Colony, Dhramjaigarh Colony, Durgapur, northern boundary of village Durgapur, Shahpur and meets at starting point "A".

[F. No. 43015/27/2010-PRIW-I]

A. K. DAS, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 27 जनवरी, 2012

का.आ. 566. केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि आन्ध्र प्रदेश राज्य में आन्ध्र प्रदेश नवीकरण परियोजना माध्यम ऑइल एण्ड नेचुरल गैस कॉर्पोरेशन लिमिटेड के द्वारा पाइपलाईनें बिछाई जानी चाहिए।

और केन्द्रीय सरकार को ऐसी पाइपलाईनें बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है और जिसमें उक्त पाइपलाईनें बिछाई जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई, व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इककीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में उप आयुक्त और सक्षम प्राधिकारी, और स्पेशल उप जिला अधिकारी, आन्ध्र प्रदेश राजमुद्रि एसट/के. जी. बेसिन, ओ.एन. जी.सी, गोदावरी भवन, पूर्व गोदावरी, आन्ध्र प्रदेश, फिन-533106 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

आर. ओ. यू. पाइप लाइन : "केटि. ए. बि. से पेनुमदम इ. पि. येस वया केटि.ए.ए"

मंडल:	गांव	जिला : पश्चिम	राज्य :
पेनुगोंड	तामराड	(वेस्ट) गोदावरी	आन्ध्र प्रदेश
क्रम सं.	गांव का नाम	आर.एस.नं. (सर्वे का सम्बन्ध)	क्षेत्रफल एस
1	2	3	4
5	6		
1.	तामराड	76 भाग	00 02
		75/6 भाग	00 04 86
		75/6 भाग	00 00 81
		75/7B	00 06 07
		107/3	00 14 57
		107/2	00 04 05
		35 जि. पि. ड्रैन्	00 02 83
		36	00 02 83
		42/2 भाग	00 03 24
		107/3B भाग	00 03 64
		107/3A भाग	00 02 43
		107/3C भाग	00 03 64
		107/2 भाग	00 06 47
		107/1 भाग	00 02 02
		106/1B2	00 04 05
		109/1 भाग जि.पि.	00 00 81
		क्षेत्र केनाल	
		110/1B जि.पि.	00 00 81
		क्षेत्र केनाल	
		110/2A	00 01 21
		110/4B	00 02 43
		111/2D2	00 04 86
		112/4C भाग	00 01 21
		112/4B भाग	00 01 62
		112/4A भाग	00 00 40
		111/2C1	00 00 40
		111/2B2	00 00 81
		111/2A2	00 02 43
		112/3 भाग 1	00 04 86
		112/3 भाग 2	00 02 43
		115/1A भाग 1	00 04 45
		115/1A भाग 2	00 01 21
		114/2 भाग	00 03 64
		114/2 भाग	00 03 64
		114/3 भाग	00 03 24
		114/4 भाग	00 03 64
		114/5 भाग	00 03 64

1	2	3	4	5	6
1.	तामराड (जारी)	128/2 भाग जि.पि. क्षेत्र केनाल	00	01	62
		130/9B1	00	02	43
		130/9B2	00	02	43
		130/10B	00	04	86
		129/7B	00	06	07
		129/7D1	00	08	50
		141/4B	00	05	26
		141/5B	00	03	24
		141/5B	00	03	24
		132/8B 1	00	07	69
		132/8B 2	00	02	43
		134/2A1	00	06	07
		133/2A1	00	03	64
		पूरा	01	68	75

मंडल : आचनट	गांव : सिवारुन	जिला : पश्चिम (वेस्ट)	राज्य : आन्ध्र प्रदेश
संस्थापने दिन : ए. वेमवरम			

क्रम सं.	गांव का नाम	आर. एस. नं. (सर्वे का सम्बन्ध)	हेक्टेयर्स	क्षेत्रफल एस्से	वर्ग मीटर
1	2	3	4	5	6
1	आचनट सिवारु	31/2 बी. जि. पि. रोड	00	06	07
	सेशम्मचेरुड	30/1B	00	04	05
		30/1C	00	04	05
		30/2	00	00	81
	32 जि. पि. कार्ट्टक		00	03	24
		39/4B1	00	04	86
		37/1B	00	03	24
	37/2 भाग		00	04	05
	37/2 भाग		00	02	02
		37/3	00	03	64
		36/1	00	22	66
	35/1A1		00	06	07
	35/1B1		00	02	02
	61/1A1		00	04	45
	61/1B1		00	05	26
	72 जि. पि.		00	02	43
	क्षेत्र केनाल				
	73/1A1		00	04	05
	73/1B1		00	03	24
	73/1C1		00	01	21
	73/1D1		00	01	21
	73/1E1		00	03	24
	73/2A1		00	01	62
	73/2B1		00	01	62
	73/3A1		00	01	62

1	2	3	4	5	6
1	आचनट सिवारू	73/3बी1	00	01	21
	सेशम्मचेरुड	73/3C1	00	01	21
	(जारी)	73/4A भाग	00	02	02
		73/4A भाग	00	02	02
		74/B1जि. पि. कार्ट्रक	00	01	21
		74/C1 जि.पि.	00	00	81
	क्षेत्र केनाल				
		75/1C	00	10	52
		75/1B	00	10	52
		75/2A	00	05	67
		82/1A1	00	03	64
		82/1D1	00	01	62
		82/1C1	00	01	62
		83/ 1A	00	07	69
		85/1A1	00	03	24
		85/1B1	00	01	21
		85/1C1	00	01	21
		85/1D1	00	02	83
		85/2B	00	04	05
		85/2A	00	02	43
		86 भाग	00	09	71
	87 जि.पि. नक्कल इन	00	08	09	
	30 जि. पि. केनाल	00	04	86	
		31/1भाग	00	05	67
		31/4	00	02	83
		31/4 भाग	00	01	21
		31/3	00	00	40
		31/1	00	08	90
		35/2	00	08	09
		34/1	00	07	28
		33	00	05	67
		40/1	00	07	69
		57	00	05	67
2.	ए. वेमवरम्	53	00	04	45
		52 भाग	00	16	19
		52 भाग	00	00	81
	50 जि.पि. बोदि	00	00	81	
		124/2A	00	02	43
		124/2B	00	02	83
		124/2C	00	01	62
		123/4A	00	03	64
		123/4B	00	02	43
		122/1	00	03	64
		94/1B	00	08	09
		94/1D	00	08	09
		113/1	00	08	50
		113/2	00	02	02
	पूरा	03	03	10	

मंडलः पोड्रु		गांव पन्डितवल्लूरु मिनिमिचिलिपाडु	जिले : पश्चिम (वेस्ट) गोदावरी		राज्यः आन्ध्र प्रदेश
क्रम सं.	गांव का नाम	आर. एस. नं. (सर्वे का सम्बन्ध)	हेक्टेयर्स	क्षेत्रफल एस	वर्ग मीटर
1	2	3	4	5	6
1.	पन्डितवल्लूरु	285 भाग जि.पि.	00	01	21
	नक्कल इन्.				
	294/1 भाग	00	08		09
	293/1B	00	02		02
	293/1C	00	06		88
	292/2B2/2	00	02		02
	292/2B1/2	00	03		24
	292/2A2/1	00	06		88
	292/3A	00	10		93
	301/4A1	00	18		62
	427/2 जि.पि. केनाल्	00	01		62
	426/3B1	00	10		52
	430 भाग	00	03		64
	431 जि.पि. रोड	00	02		02
	423/2	00	00		40
	423/3A	00	04		05
	423/1A	00	00		81
	423/1B1	00	02		02
	423/1B2	00	04		45
	333/2	00	00		40
	333/3 भाग	00	02		02
	333/3 भाग	00	08		50
	333/4	00	02		43
	335 भाग	00	03		24
	334/1A	00	04		45
	334/3A	00	00		40
	334/3B	00	05		26
	334/4	00	03		24
	411/1बो दि (जि.पि)	00	00		81
	411/2B1	00	07		69
	411/2C1	00	01		21
	412p	00	09		71
	412p	00	05		67
	413/3B	00	02		02
	413/3A	00	00		81

1	2	3	4	5	6
1	पन्डितवल्लूरु (जारी)	411/2D1	00	00	40
		411/2D3	00	02	02
		411/2D4	00	02	43
		408/1A	00	04	05
		408/1Bp	00	02	43
		408/1Bp	00	02	43
		408/1Cp	00	01	62
		408/1Cp	00	01	62
		408/1D	00	03	24
		408/1Ep	00	02	02
		408/1Ep	00	04	86
		406/2A	00	02	43
		406/2B	00	04	05
		406/2Cp	00	01	62
		406/2Cp	00	02	43
		406/2D	00	04	86
		404/3A	00	03	24
		404/3Bp	00	07	28
		404/3Bp	00	02	43
		504 जि.पि. कार्ट ट्रेक	00	00	40
		403 जि.पि. कार्ट ट्रेक	00	00	81
		505/1B	00	01	62
		505/1A	00	06	88
		505/2	00	00	40
		505/1C	00	02	83
		505/1C	00	02	83
		505/1C	00	02	83
		506/1p	00	07	28
		506/1p	00	03	64
		507/2B	00	03	24
		507/2A	00	00	40
		507/3	00	04	05
		508/1	00	00	40
		508/2	00	06	88
		508/3	00	04	45
		511/1	00	04	05
		508/4	00	03	24
		510 जि.पि. भाग	00	00	40

1	2	3	4	5	6
		1 क्षेत्र केनाल	00	00	81
2	मिनिमिचिलिपाड़	3/2A	00	02	02
		3/3A	00	00	81
		3/5	00	08	50
		6/1	00	04	45
		6/2	00	01	62
		7/1	00	08	90
		7/2	00	08	09
		20/1	00	10	93
		21 भाग	00	08	50
		21 भाग	00	03	64
		22/1 बि.टि. रोड़	00	00	81
		22/2	00	05	26
		22/4A	00	00	40
		22/4B	00	00	40
		22/3A	00	05	67
		23 भाग	00	00	81
		23 भाग	00	06	07
		23 भाग	00	10	93
		25 बोदि	00	01	62
		459	00	04	86
		456	00	09	31
		45/10	00	10	93
		44/1	00	03	64
		44/2	00	03	24
		44/3	00	11	33
		44/4	00	09	71
		51/5	00	03	24
		51/6	00	09	31
		53/ 1 भाग	00	01	21
		53/ 1 भाग	00	05	67
		53/ 1 भाग	00	01	21
		53/2	00	04	05
		53/3B	00	00	81
		56/1	00	00	81
		56/3	00	04	05
		55/3A	00	03	64
		55/4 भाग	00	00	81
		55/4 भाग	00	02	83
		55/7B	00	02	02
		86 जि.पि.	00	00	40
		कार्ट ट्रैक			

1	2	3	4	5	6
		81 जि.पि.	00	00	81
		कार्ट ट्रैक			
		82/1	00	06	88
		82/3	00	01	21
		82/4 भाग	00	02	83
		82/4 भाग	00	00	81
2.	मिनिमिचिलिपाडु	82/4 भाग	00	02	83
		83/2	00	06	88
		83/3	00	03	64
		83/5	00	00	40
		78/12	00	05	26
		78/13	00	02	43
		77 जि.पि. नक्कल इन	00	00	81
		पूरा	04	87	64

[फा. सं. ओ-12026/8/2012-ओ.एन.जी.-III]

राज सेखर सिकदार, अपर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 27th January, 2012

S.O. 566.—Whereas, it appears to the Central Government that it is necessary in the public interest to lay pipelines under the State of Andhra Pradesh by Oil and Natural Gas Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land under which the said pipelines are proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty-one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Special Deputy Collector and Competent Authority, Oil and Natural Gas Corporation Ltd., Rajamundry Asset/K.G. Basin, Godavari Bhavan, Base Complex, Rajahmundry-533106, Andhra Pradesh.

SCHEDULE

ROU pipeline from "KTAB to Penumadam EPS via KTAA"

Mandal : Penugonda		Village : Tamarada		District : West Godavari		State : Andhra Pradesh	
Sl. No.	Name of the Village	Survey No.		Hectare	Area		Sq. mtr.
1	2	3	4	5	Are	6	
1.	Tamarada (contd.)	76 Part 75/6 part 75/6 part	00 00 00	02 04 00		02 86 81	

1	2	3	4	5	6
1.	Tamarada	75/7B	00	06	07
	(contd)	107/3	00	14	57
		107/2	00	04	05
		35 G.P. Drain	00	02	83
		36	00	02	83
		42/2 part	00	03	24
		107/3B part	00	03	64
		107/3A part	00	02	43
		107/3C part	00	03	64
		107/2 part	00	06	47
		107/1 part	00	02	02
		106/1B2	00	04	05
		109/1 part G.P.	00	00	81
		Field Channel			
		110/1B G.P.	00	00	81
		Field Channel			
		110/2A	00	01	21
		110/4B	00	02	43
		111/2D2	00	04	86
		112/4C part	00	01	21
		112/4B part	00	01	62
		112/4A part	00	00	40
		111/2C1	00	00	40
		111/2B2	00	00	81
		111/2A2	00	02	43
		112/3 part 1	00	04	86
		112/3 part 2	00	02	43
		115/1A part 1	00	04	45
		115/1A part 2	00	01	21
		114/2 part	00	03	64
		114/2 part	00	03	64
		114/3 part	00	03	24
		114/4 part	00	03	64
		114/5 part	00	03	64
		128/2 G.P.	00	01	62
		Field Channel			
		130/9B1	00	02	43
		130/9B2	00	02	43
		130/10B	00	04	86
		129/7B	00	06	07
		129/7D1	00	08	50
		141/4B	00	05	26
		141/5B	00	03	24
		141/5B	00	03	24
		132/8B 1	00	07	69
		132/8B 2	00	02	43
		134/2A1	00	06	07
		133/2A1	00	03	64
		Total	01	68	75

[F. No. O-12026/8/2012-ONG-III]
R.S. SIKDAR, Under Secy.

1	2	3	4	5	6
1. SESHAMMACHERUVU		85/2B	00	04	05
H/O ACHANTA		85/2A	00	02	43
(Contd.)		86 part	00	09	71
		87GP Nakkala	00	08	09
		Drain			
2. A. VEMAVARAM		30 G.P canal	00	04	86
		31/1	00	05	67
		31/4 part	00	02	83
		31/4 part	00	01	21
		31/3	00	00	40
		31/1	00	08	90
		35/2	00	08	09
		34/1	00	07	28
		33	00	05	67
		40/1	00	07	69
		57	00	05	67
		53	00	04	45
		52 part	00	16	19
		52 part	00	00	81
		50 G.P. Bodi	00	00	81
		124/2A	00	02	43
		124/2B	00	02	83
		124/2C	00	01	62
		123/4A	00	03	64
		123/4B	00	02	43
		122/1	00	03	64
		94/1B	00	08	09
		94/1D	00	08	09
		113/1	00	08	50
		113/2	00	02	02
		Total	03	03	10

Mandal : Poduru	Villages : Panditavalluru Miniminchilipadu	District : West Godavari		State : Andhra Pradesh	
Sl. No.	Name of the Village	Survey No.	Area		
1	2	3	Hectare	Acre	Sq. mtr.
1.	PANDITAVALLURU	285 part G.P Nakkala Drain	00	01	21
		294/1 part	00	08	09
		293/1B	00	02	02
		293/1C	00	06	88
		292/2B2/2	00	02	02
		292/2B1/2	00	03	24
		292/2A2/1	00	06	88
		292/3A	00	10	93

1	2	3	4	5	6
I	PANDITAVALLURU	301/4A1	00	18	62
	(Contd.)	427/2 G.P canal	00	01	62
		426/3B1	00	10	52
		430 part	00	03	64
		431 G.P Road	00	02	02
		423/2	00	00	40
		423/3A	00	04	05
		423/1A	00	00	81
		423/1B1	00	02	02
		423/1B2	00	04	45
		333/2	00	00	40
		333/3 part	00	02	02
		333/3 part	00	08	50
		333/4	00	02	43
		335 part	00	03	24
		334/1A	00	04	45
		334/3A	00	00	40
		334/3B	00	05	26
		334/4	00	03	24
		411/1Bodi (GP)	00	00	81
		411/2B1	00	07	69
		411/2C1	00	01	21
		412p	00	09	71
		412p	00	05	67
		413/3B	00	02	02
		413/3A	00	00	81
		411/2D1	00	00	40
		411/2D3	00	02	02
		411/2D4	00	02	43
		408/1A	00	04	05
		408/1Bp	00	02	43
		408/1Bp	00	02	43
		408/1Cp	00	01	62
		408/1Cp	00	01	62
		408/1D	00	03	24
		408/1Ep	00	02	02
		408/1Ep	00	04	86
		406/2A	00	02	43
		406/2B	00	04	05
		406/2Cp	00	01	62
		406/2Cp	00	02	43
		406/2D	00	04	86
		404/3A	00	03	24
		404/3Bp	00	07	28
		404/3Bp	00	02	43
		504G.P Cart Track	00	00	40
		403 G.P Cart	00	00	81
		track			
		505/1B	00	01	62
		505/1A	00	06	88
		505/2	00	00	40
		505/1C	00	02	83
		505/1C	00	02	83
		505/1C	00	02	83
		506/1p	00	07	28

1	2	3	4	5	6
1	PANDITAVALLURU (Contd.)	506/1p	00	03	64
		507/2B	00	03	24
		507/2A	00	00	40
		507/3	00	04	05
		508/1	00	00	40
		508/2	00	06	88
		508/3	00	04	45
		511/1	00	04	05
		508/4	00	03	24
		510 part G.P.	00	00	40
2	Miniminchipadu	1 Field Channel	00	00	81
		3/2A	00	02	02
		3/3A	00	00	81
		3/3B	00	01	62
		3/5	00	08	50
		6/1	00	04	45
		6/2	00	01	62
		7/1	00	08	90
		7/2	00	08	09
		20/1	00	10	93
		21 part	00	08	50
		21 part	00	03	64
		22/1 B.T Road	00	00	81
		22/2	00	05	26
		22/4A	00	00	40
		22/4B	00	00	40
		22/3A	00	05	67
		23part	00	00	81
		23part	00	06	07
		23part	00	10	93
		25 Bodhi	00	01	62
		45/9	00	04	86
		45/6	00	09	31
		45/10	00	10	93
		44/1	00	03	64
		44/2	00	03	24
		44/3	00	11	33
		44/4	00	09	71
		51/5	00	03	24
		51/6	00	09	31
		53/ 1 part	00	01	21
		53/ 1 part	00	05	67
		53/1part	00	01	21
		53/2	00	04	05
		53/3B	00	00	81
		56/1	00	00	81
		56/3	00	04	05
		55/3A	00	03	64
		55/4part	00	00	81
		55/4part	00	02	83
		55/6	00	08	50
		55/7B	00	02	02
		86 G.P. Cart	00	00	40
		Track			

1	2	3	4	5	6
2. Miniminchipadu	81 GP. Cart Track	00	00	81	
	82/1	00	06	88	
	82/3	00	01	21	
	82/4 part	00	02	83	
	82/4 part	00	00	81	
	82/4 part	00	02	83	
	83/2	00	06	88	
	83/3	00	03	64	
	83/5	00	00	40	
	78/12	00	05	26	
	78/13	00	02	43	
	77 G.P. Nakkala Drain	00	00	81	
	Total	04	87	64	

[F. No. O-12026/8/2012-ONG-III]

R.S. SIKDAR, Under Secy.

नई दिल्ली, 27 जनवरी, 2012

का.आ. 567.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि आन्ध्र प्रदेश राज्य में आन्ध्र प्रदेश नवीकरण परियोजना माध्यम ऑफल एण्ड नेचुरल गैस कॉर्पोरेशन लिमिटेड के द्वारा पाइपलाइनें बिछाई जानी चाहिए।

और केन्द्रीय सरकार को ऐसी पाइपलाइने के बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइनें बिछाई जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में उप आयुक्त और सक्षम प्राधिकारी, और स्पेशल उप जिला अधिकारी, आन्ध्र प्रदेश राजमांडि एसट/के. जी. बेसिन, ओ.एन. जी.सी. गोदावरी भवन, पूर्व गोदावरी, आन्ध्र प्रदेश। पिन - 533106 को लिखित रूप में आक्षेप भेज सकता।

अनुसूची

आर. ओ. यू. पाइप लाइन : “पि.जि.ये.बि. से के. टि.ये.बि.”

मंडल:	गांव	जिले : पश्चिम	राज्य :
भेनुगांड	बड़लि	(वेस्ट) गोदावरी	आन्ध्र प्रदेश
	रामनपालेम		
	मुनमर्ह		
	तामराड		

क्रम सं.	गांव का नाम	आर. एस. नं. (सर्वे का सम्बन्ध)	क्षेत्रफल		
			हेक्टेयर्स	एस	वर्ग मीटर
1	2	3	4	5	6
1	बड़लि	213/3	00	12	14
		210/1	00	04	45

1	2	3	4	5	6
2	रमनपालेम	53/3E	00	03	24
	जारी	53/6	00	02	83
		69 पुंत व	00	02	43
		केनाल (जि.पि.)			
		68/1 P	00	04	05
		68/1 p	00	05	26
		68/1 p	00	04	05
		70/3	00	05	26
		71/1	00	10	52
		72/1	00	07	28
		73 केनाल (जि.पि.)	00	02	02
		74/1 P	00	03	24
		74/1p	00	02	02
		74/2	00	03	64
		74/3	00	02	02
		74/5C	00	07	28
3	मुनमर्ल	154 जि.पि. (केनाल)	00	01	62
		153/1A	00	00	81
		153/1B	00	01	21
		153/1C	00	02	83
		152/2	00	02	43
		152/3A	00	06	47
		152/3B	00	00	81
		152/4	00	06	47
		149/iB	00	06	88
		149/4	00	02	02
		149/I D	00	04	05
		149/I E	00	02	43
		149/IC	00	00	40
		145/2A	00	00	81
		145/2B	00	06	07
		145/3	00	07	28
		144/3	00	05	67
		144/4A	00	03	64
		141/2A	00	04	05
		141/2B	00	05	26
		169/2A	00	01	21
		140/2	00	16	59
		140/1A	00	00	40
		137	00	08	50
		138 जि.पि.	00	02	43
		129/2B	00	04	05
		128/I E	00	02	83
		176/p	00	02	83
		176/p	00	02	83
		176/p	00	00	81
		176/p	00	01	62
		176/p	00	04	86
		176/p	00	00	40
		177/1A	00	04	05
		177/1B	00	03	24
		177/3C	00	00	40
		177/3D	00	01	21
		177/4A	00	05	26
		178 जि.पि. (बि.टि.रोड)	00	01	62

1	2	3	4	5	6
4	तमराड	70/1	00	09	31
		70/2	00	10	12
		71/3	00	07	69
		71/4	00	04	86
		71/5	00	04	05
		74/2	00	06	07
		78/1	00	03	64
		78/3	00	02	83
		78/6	00	02	43
		78/2	00	04	86
		78/3 P	00	02	02
		76D	00	06	07
		पूरा	04	41	10

[फा. सं. ओ. -12026/8/2012-ओ.एन.जी.-III]

राज शेखर सिकदार, अपर सचिव

New Delhi, the 27th January, 2012

S.O. 567. — Whereas it appears to the Central Government that it is necessary in the public interest to lay pipelines under the State of Andhra Pradesh by Oil and Natural Gas Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipelines are proposed to be laid and which are described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty-one days from the date on which copies of the Gazette of India Containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Special Deputy Collector and Competent Authority, Oil and Natural Gas Corporation Ltd., Rajamundry Asset/K.G. Basin, Godavari Bhavan, Base Complex, Rajahmundry-533106, Andhra Pradesh.

SCHEDULE

Rou pipeline from PGAB to KTAB

Mandal Penugonda	Villages Vadali Ramannapalem Munamaru Tamarada	District West Godavari		State Andhra Pradesh	
Sl. No.	Name of the Village	Survey No.	Area		
1	2	3	Hectare	Are	Sq. mtr.
1.	VADALI	213/3 210/1 210/3 200/1 B.T. Road(G.P)	00 00 00 00	12 04 01 02	14 45 62 02

1	2	3	4	5	6
1	VADALI	200/2 B.T. Road(GP)	00	00	81
		195/2p	00	00	40
		195/2D	00	03	24
		195/2p	00	04	86
		195/3	00	09	31
		196/3	00	03	64
		186 Field canal (G.P.)	00	01	62
		185/6	00	07	28
		185/5	00	06	88
2	RAMANNAPALEM	18/1	00	04	05
		17/1	00	02	83
		17/2	00	02	83
		17/4	00	91	21
		16 Cart track (G.P.)	00	00	81
		2/1	00	05	26
		2/2	00	03	24
		2/3	00	02	43
		5/1	00	02	02
		5/2	00	01	62
		5/3A	00	02	43
		5/3B	00	02	43
		5/3C	00	04	45
		6/4	00	05	26
		6/3	00	01	62
		7/1	00	04	05
		7/1	00	03	24
		7/3A	00	03	24
		7/3C	00	02	02
		8/2	00	03	24
		8/3A	00	02	43
		8/3B	00	02	02
		8/5	00	03	64
		10/2	00	05	26
		45/2B	00	01	62
		45/2D	00	02	83
		46/p	00	04	86
		46/p	00	02	02
		47/1Fp	00	01	62
		47/1Fp	00	01	21
		47/1G	00	01	62
		47/1Hp	00	02	02
		47/1Hp	00	03	24
		47/11	00	01	62
		50/1A	00	01	62
		50/1E	00	03	64
		51/p	00	04	86
		51/p	00	04	86
		53/2p	00	04	45
		53/2p	00	02	43
		53/3B	00	00	81
		53/3D	00	00	40
		53/3E	00	03	24
		53/6	00	02	83
		69 Puntha & Canal (GP)	00	02	43

1	2	3	4	5	6
2	RAMANNAPALEM	68/1 P	00	04	05
		68/1 p.	00	05	26
		68/1 p	00	04	05
		70/3	00	05	26
		71/1	00	10	52
		72/1	00	07	28
		73 Canal (GP)	00	02	02
		74/1 P	00	03	24
		74/1p	00	02	02
		74/2	00	03	64
		74/3	00	02	02
		74/5C	00	07	28
3	MUNAMARRU	154 GP (Canal)	00	01	62
		153/1A	00	00	81
		153/1B	00	01	21
		153/1C	00	02	83
		152/2	00	02	43
		152/3A	00	06	47
		152/3B	00	00	81
		152/4	00	06	47
		149/1B	00	06	88
		149/4	00	02	02
		149/1 D	00	04	05
		149/1 E	00	02	43
		149/1C	00	00	40
		145/2A	00	00	81
		145/2B	00	06	07
		145/3	00	07	28
		144/3	00	05	67.
		144/4A	00	03	64
		141/2A	00	04	05
		141/28	00	05	26
		169/2A	00	01	21
		140/2	00	16	59
		140/1A	00	00	40
		137	00	08	50
		138GP	00	02	43
		129/2B	00	04	05
		128/1 E	00	02	83
		176/p	00	02	83
		176/p	00	02	83
		176/p	00	00	81
		176/p	00	01	62
		1.76/p	00	04	86
		176/p	00	00	40
		177/1A	00	04	05
		1.77/1B	00	03	24
		177/3C	00	00	40
		177/3D	00	01	21
		177/4A	00	05	26
		178 G.P (B.T.Road),	00	01	62

1	2	3	4	5	6
4	TAMARADA	70/1	00	09	31
		70/2	00	10	12
		71/3	00	07	69
		71/4	00	04	86
		71/5	00	04	05
		74/2	00	06	07
		78/1	00	03	64
		78/3	00	02	83
		78/6	00	02	43
		78/2	00	04	86
		78/3 P	00	02	02
		76D	00	06	07
		Total	04	41	10

[F. No. 12026/8/2012-ONG-III]

R.S. SIKDAR, Under Secy.

New Delhi, the 2nd February, 2012

का.आ. 568.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में सलाया से उत्तर-प्रदेश राज्य में मथुरा तक पैट्रोलियम क्रूड के परिवहन के लिए "सलाया-मथुरा पाइपलाइन के अन्तर्गत डी-वॉटलनेकिंग परियोजना" के कार्यान्वयन हेतु इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की धौषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि से हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ जनसाधारण को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में श्री धीम सिंह, सक्षम प्रधिकारी, इंडियन ऑयल कार्पोरेशन लिमिटेड, (पाइपलाइन्स प्रभाग), नियमित कार्यालय, प्लांट नं. 38-39, एसडीसी विनय ब्लॉक द्वितीय, चौथा तल, मौजी कॉलोनी, मालवीय नगर, जयपुर, राजस्थान-302017 को लिखित रूप में आशेष भेज सकेगा।

अनुसूची

तहसील : किशनगढ़	जिला : अजमेर	राज्य : राजस्थान			
क्र. गांव का नाम	खसरा सं.	क्षेत्रफल			
सं.		हेक.- टेक्टर	एकर	बारी	
(1)	(2)	(3)	(4)	(5)	(6)
1	जोरावरपुरा	16	00	02	30

[फा. सं. आर-25011/11/2011-ओ.आर-1]
लाल छन्दमा, अवर सचिव

SCHEDULE

Tehsil : Kishangarh District : Ajmer State : Rajasthan

Sl. No.	Name of Village	Khasra No.	Area		
(1)	(2)	(3)	Hect.	Acre	Sq. mtr.
1	Jorawarpura	16	00	02	30

[F. No. R-25011/11/2011-OR-1]
LAL CHHANDAMA, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 11 जनवरी, 2012

का.आ. 569.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या 38/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-01-2012 को प्राप्त हुआ था।

[सं. एल-12012/27/2008-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 11th January, 2012

S. O. 569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 38/2008) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 11-01-2012.

[No. L-12012/27/2008-IR (B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR

Present : Shri J. Srivastava, Presiding Officer,
C.G. I.T.-cum-Labour Court, Bhubaneswar.

Industrial Dispute Case No. 38/2008

Date of Passing Award 22nd December, 2011

Between :

The Assistant General Manager,
State Bank of India, Bhubaneswar Main Branch,
Bhubaneswar, Dist. Khurda (Orissa),
Bhubaneswar, (Orissa)

... 1st Party-Management

(And)

Their workman Shri Braja Kishore Pradhan,
Qr. No. VR-5/1, Kharvela Nagar Unit-III,
Bhubaneswar, (Orissa)

... 2nd Party-Workman.

Appearances :

Shri Alok Das, Authorized Representative	: For the 1st Party Management
None	: For the 2nd Party- Workman.

AWARD

An industrial dispute existing between the employers in relation to the management of State Bank of India and their workman has been referred by the Government of India in the Ministry of Labour in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide their letter No. L-12012/27/2008-IR (B-1), dated 02-06-2008 to the following effect:

“Whether the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Braja Kishore Pradhan w.e.f. 30-9-2004, is fair, legal and justified? To what relief is the workman concerned entitled?”

2. The 2nd Party-Workman has filed his statement of claim alleging that he had joined the State Bank of India, Main Branch, Bhubaneswar as a Messenger on temporary/casual/daily wage basis on 24-2-1987 after succeeding in interview. He was assured to get permanent appointment order after one year or on completion of 240 days' work in a calendar year, but despite completion of several years of continuous satisfactory service by putting more than 240 days work in each year he was terminated and refused employment from 30-9-2004 by the 1st Party-Management without any written communication or payment of compensation. The 1st Party-Management in refusing employment to him violated all principles of natural justice and mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. He was also not given regular appointment. He therefore brought the matter in to the notice of the C.G.M. and C.D.O. of the State Bank of India, L.H.O, Bhubaneswar, but on hearing nothing, he raised an industrial dispute before the Regional Labour Commissioner (Central) vide his letter dated 2-3-2005. Conciliation proceedings were started, but they failed and thereupon a failure report was submitted to the Government. He is thus entitled to get full back wages and reinstatement with continuity of service with effect from 30-9-2004.

3. The 1st Party-Management in its reply through written statement has stated that the present dispute is misleading and misconceived in as much as the 2nd Party-workman had already raised a similar issue along with 124 other workers through State Bank of India Temporary 4th Grade Employees Union before the Assistant Labour Commissioner (Central), Bhubaneswar challenging their alleged termination of service by the 1st Party-Management. In the said dispute the failure report was sent by the Asstt. Labour Commissioner (Central), Bhubaneswar to the Ministry of Labour who in turn referred the matter to this Tribunal for adjudication and the same is pending before this Tribunal being I.D. Case No. 7/2007. The name of the 2nd Party-workman is appearing at Sl. No. 77 in Annexure-A to the said reference.

Thus, raising a common dispute for same cause of action and again raising individual dispute for same relief is nothing but an abuse of the process of law and amounts to multiplicity of litigation. The Asstt. Labour Commissioner (Central) while conciliating the individual disputes disregarded the direction of the Deputy Chief Labour Commissioner (Central) not to take any further action on the separate disputes raised by the same workers for the same cause of action. The allegation of the 2nd Party-workman that he was discontinued from service on 30-9-2004 and was signing bogus vouchers is not correct as the list of 112 persons depicting the name of the 2nd Party-workman at S1. No. 77 shows that the services of Shri Pradhan were discontinued in August, 1990. He was engaged intermittently on temporary/daily wage basis due to exigencies of work. It is denied that he was performing the duty, which is regular and perennial in nature. It is further denied that he was performing his duties with all sincerity and honesty and to the best of satisfaction of the Authority. The 2nd Party-workman has never completed several years of continuous service in the Bank nor he has completed 240 days of continuous service in any calendar year preceding the date of his alleged termination. He was given an opportunity for permanent absorption in the Bank in view of the various settlements entered into between the All India State Bank Staff Federation Management of the State Bank of India and was called for interview in the year 1993, but he could not succeed in that interview. Therefore, he could not be absorbed in the Bank service. Some of the wait-listed candidates, who could not be absorbed in the Bank service due to expiry of the panel on 31st March, 1997 filed Writ Petitions before the Hon'ble High Court of Orissa. But the Hon'ble High Court of Orissa by a common order dated 15-5-1998 passed in O.J.C. No. 2787/1997 dismissed a batch of Writ Petitions and upheld the action of the Management of the Bank. One Natabar Das challenged that order before the Hon'ble Supreme Court in S.L.P. No. CC-3082/1999. But the same was dismissed. Hence the above matter has attained finality and cannot be re-agitated. Since the services of Shri Pradhan were terminated in August, 1990 his claim has become stale by raising of dispute after a period of 15 years. It is a settled principle of law that delay destroys the right to remedy. Thus raising the present dispute after 15 years of alleged termination is liable to be rejected.

4. On the pleadings of the parties following issues were framed :-

ISSUES

1. Whether the present reference of the individual workman during the pendency of the I.D. Case No. 7/2007 before the Hon'ble Tribunal on the same issue is legal and justified?
2. Whether the workman has worked for more than 240 days as enumerated under section 25-F of the Industrial Disputes Act?

3. Whether the action of the Management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Braja Kishore Pradhan with effect from 30-9-2004 is fair, legal and justified?
4. To what relief is the workman concerned entitled to?
5. The 2nd Party-workman despite giving sufficient opportunity did not produce any evidence either oral or documentary in support of his claim and willingly kept himself out of the proceedings by absenting himself or his Union representative.
6. The 1st Party management has adduced the oral evidence of Shri Abhaya Kumar Das as M.W.-I and filed documents marked as Ext.-A to Ext.-J in refutation of the claim of the 2nd Party-workman.

FINDINGS

ISSUE No. 1

7. A specific plea has been raised by the 1st Party-Management that a group of employees including along with the 2nd Party workman had already raised a similar dispute in I.D. Case No. 7/2007 before this Tribunal for the same relief which is pending for adjudication. The dispute as referred to in I.D. Case No. 7/2007 is given below for comparison with the dispute in presence case---

Whether the action of the Management of State Bank of India, Orissa Circle, Bhubaneswar in not considering the case of 125 workmen whose details are in Annexure-A for re-employment as per Section 25(H) of Industrial Disputes Act, 1947 is legal and justified? If not, what relief the workmen is entitled to?

8. The name of the 2nd party-workman appears at S1. No. 77 in Annexure-A to the above reference. In both the cases the matter of disengagement or so called retrenchment is involved to be considered and the relief claimed is with regard to re-employment. But more specifically challenge has been made against the termination of service of the 2nd Party-workman in the present case while in I.D. Case No. 7/2007 prayer has been made with regard to consideration of the case of 125 workmen for re-employment as per Section 25-H of the Industrial Disputes Act, 1947. In fact, in the latter case the workmen have submitted or virtually surrendered to their cessation of employment or alleged termination, whereas in the present case they have challenged their termination on facts and law. Virtually in the present case validity and legality of the alleged termination has to be tested on the altar of facts and legal propositions. Therefore it cannot be said that issues involved in both the cases are same. This case can proceed despite pendency of I.D. Case No. 7/2007 and the present reference by the individual workman

pending for adjudication is maintainable being legal and justified. This issue is therefore decided in the affirmative and against the 1st Party-Management.

ISSUE No. 2

9. The onus to prove that the 2nd Party-workman has completed one year or 240 days of continuous service during a period of 12 calendar months preceding the date of his alleged termination or disengagement from service lies on him, but the 2nd Party-workman has not adduced any evidence either oral or documentary in support of his contention. He has only alleged in his statement of claim that he was appointed with effect from 24-2-1987 and worked till 30-9-2004 on temporary, casual or daily wage basis, but he has not filed any certificate or reliable document showing the break-up of year-wise service rendered by him under the 1st Party-Management during the above period. The 1st Party-Management on the other hand, has alleged that the 2nd Party-workman was engaged intermittently on temporary/daily wage basis due to exigencies of work and he had never completed 240 days continuous service in a calendar year. M. W. I Shri Abhaya Kumar Das in his statement before the Court has stated “that the disputant was working intermittently for few days in our branch on daily wage basis in exigencies. He had not completed 240 days of continuous and uninterrupted service preceding the alleged date of the termination”. He has denied the allegation that the workman was discontinued with effect from 30-9-2004, but stated that “the workman left the branch from working since April, 1987”. Thus he had never worked after March, 1987. The 2nd Party-workman has to disprove the evidence led by the 1st Party-Management, but he has not come before the Court to give evidence. A temporary or daily wage worker has no right to claim reinstatement and particularly when such an employee had not worked for 240 days continuously during the period of 12 calendar months preceding the date of his alleged termination as per provision of Section 25-F of the Industrial Disputes Act, 1947. Therefore this issue is decided against the 2nd Party-workman for failing to prove that he had worked for 240 days continuously during the period of 12 calendar months preceding the date of his disengagement or alleged termination from service.

ISSUE No. 3

10. Since the 2nd Party-workman could not prove that he had rendered 240 days continuous service under the 1st Party-management during the period of 12 calendar months preceding the date of his disengagement or alleged termination, he is not entitled for re-employment. Moreover, he was a temporary/casual/daily wage employee. His services can be terminated at any time without assigning any cause by the 1st Party-Management. He has no legal right to be retained in service for the extended period, if he was appointed for a certain period or when no time is specified. The 2nd Party-workman has not filed any letter

of appointment or proof of having rendered service under the 1st Party-Management for a specified period against a regular post. The 1st Party-Management has further alleged that in time of exigencies only the 2nd Party-workman was employed. It means that with the end of exigencies his job also came to an end. In view of the matter the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Braja Kishore Pradhan with effect from the alleged date of his termination is fair, legal and justified. This issue is accordingly decided in the affirmative and against the 2nd Party-workman.

ISSUE No. 4

11. In view of the findings recorded above under Issue No. 2 and 3 the 2nd Party-workman is not entitled to any relief whatsoever claimed.

12. Reference is answered accordingly.

Dictated and Corrected by me.

JITENDRA SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 जनवरी, 2012

का.आ.570.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर-पूर्व रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 33/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-01-2012 प्राप्त हुआ था।

[सं. एल-41012/31/2007 आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 11th January, 2012

S. O. 570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 33/2007) of the Central Govt. Indus. Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the management of North East Railway, and their workmen, received by the Central Government on 11-01-2012.

[No. L-41012/31/2007-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, LUCKNOW

Present : Dr. Manju Nigam, Presiding Officer

I.D. No. 33/2007

Ref. No. L-41012/31/2007-IR (B-I) dated : 24-07-2007

BETWEEN

Shri Babu Ram S/o Late Dore Lal
R/o Aliganj Road, New Market,
Near Saryu Gramin Bank,
Gola Gokar Nath, Khiri (U.P.)

AND

1. The Section Engineer
North East Railway
Golagokaran Nath
Khiri (U.P.)
2. The Asstt. Zonal Engg.
Zonal Engg. Office,
Sitapur.
3. Sr. Zonal Engg.-III
North East Railway
Ashok Marg.
Lucknow.

AWARD

1. By order No.L-41012/31/2007-IR (B-I) dated : 24-07-2007 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Babu Ram S/o Late Dore Lal, R/o Aliganj Road, New Market, Near Saryu Gramin Bank, Gola Gokar Nath, Khiri (U.P.) and the Section Engineer, North East Railway, Gola Gokaran Nath, Khiri (U.P.), the Asstt. Zonal Engg., Zonal Engg. Office, Sitapur and Sr. Zonal Engg. - III, North East Railway, Ashok Marg, Lucknow for adjudication.

2. The reference under adjudication is :

“WHETHER THE ACTION OF THE MANAGEMENT OF THE NORTHEAST RAILWAY IN TERMINATING THE SERVICES OF SHRI BABU RAM W.E.F. 01-04-1985 IS JUSTIFIED ? IF NOT, WHAT RELIEF HE IS ENTITLED TO?”

The case of the workman, Babu Ram, in brief, is that he was appointed as Khalasi on 27-11-1976 and worked as such till 31-03-85 for 240 days in each year, with artificial breaks and also completed 120 days working in four months from 27-11-76 to 28-03-77. It has been alleged by the workman that the management neither granted him temporary status after completion of 120 days' service in four months nor complied with the provision of Section 25F of the I.D. Act, 1947 while terminating his services w.e.f. 01-04-85. He has further alleged that he has neither been given any written order regarding termination of his services nor any compensation in lieu thereof. He has also alleged that the management has retained so many workmen junior to him in services and has provided their names. Accordingly, the workman has prayed that the action of the management in terminating his services w.e.f. 01-04-85 be declared illegal and he be reinstated with consequential benefits, including back wages, along with temporary status from the date when he completed 120 days continuous service in four months.

4. After filing of statement of claim, the opposite parties were called upon to file their written statement and were issued registered notices dated 01-06-2009 and 28-07-2009. Shri Rahul Nigam, advocate filed his authority

on behalf of the opposite party on 11-12-2009 and next date 05-02-2010 was fixed for written statement. The authorized representative turned up on 25-05-2010 but did not file any written statement and 25-06-2010 was fixed for written statement. The written statement was not filed on 25-06-2010, 11-08-2010, 27-09-2010, 25-10-2010, 06-12-2010, 11-01-2011, 03-02-2011, 15-03-2011, 05-05-2011 and 21-06-2011, though the authorized representative of the opposite party was present on as many as six dates mentioned above, accordingly the order to proceed ex parte against the management was passed vide order dated 21-06-2011 and fixed 19-08-2011 for ex parte evidence by the workman. The parties remained absent on 19-08-2011, 13-10-2011 and 22-11-2011. The workman did not turn up to file its evidence the case was fixed for argument. The workman failed to appear on 22-11-2011 and 22-12-2011 for arguments. consequently, the case was reserved for award, keeping in view long pendency of the case and reluctance of the parties to contest their cases.

5. I have gone through the entire material placed on file and scanned each and every document available therein.

6. It was the case of the workman that he was appointed as Khalasi on 27-11-1976 and worked as such till 31-03-85 for 240 days in each year, with artificial breaks and also completed 120 days working in four months from 27-11-76 to 28-03-77 and he was neither granted temporary status after completion of 120 days service in four months nor the provisions of Section 25F of the I.D. Act, 1947 were complied with before terminating his services w.e.f. 01-04-85.

7. The workman has not filed any document evidence in support of his claim nor has turned up to substantiate his case through oral evidence.

8. It is well-settled that if a party challenges the legality of order, the burden lies upon him to prove illegality of the order and if no evidence is produced by the party, invoking jurisdiction of the court, must fail. In the present case burden was on the workman to set out the grounds to challenge the validity of the action of the management in terminating his services w.e.f. 01-04-1985. It was the case of the workman he has been deprived of benefits of temporary status even after completion of 120 days' continuous working in four months and also that his services have been terminated in violation of provisions of Section 25F of the Act. Although the management did not come forward to deny this claim of the workman even then it was for the workman to lead evidence, documentary as well as oral, to show that the alleged injustice was being done to the workman.

9. In 2008(118)FLR 1164 M/s. Uptron Powertronics Employees' Union, Ghaziabad through its Secretary vs. Presiding Officer, Labour Court (II), Ghaziabad & others, Hon'ble High Court relied upon the law settled by the Apex Court in 1979 (39) FLR 70 (SC) Sanker Chakravarti vs. Britannia Biscuit Co. Ltd., 1979 (39) FLR 70 (SC) V. K.

Raj Industries v. Labour Court and others, 1984 (49) FLR 38 Airtech Private Limited v. State of U.P. and others and 1996 (74) FLR 2004 (Alld.) Meritech India Ltd. v. State of U.P. and others; wherein it was observed by the Apex Court :

"that in absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the Court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

10. In the present case the workman has not turned up to substantiate its case by way of filing any oral evidence. Merely pleadings are no substitute for proof. It was obligatory on the part of workman to come forward with the case that the workman actually worked as Khalasi for the duration claimed by him and alleged injustice was done to him in granting him temporary status or in terminating his services without complying with the provisions of Section 25-F of the Act; but the workman has failed to forward any substantive evidence in support of its claim, as it did not turn up for filing its evidence before this Tribunal, in spite of ample opportunity being provided to him. There is no reliable material for recording findings that the alleged injustice was done to the workman or the action of the management of North Eastern Railway in terminating the services of the workman, Babu Ram w.e.f. 01-04-1985 was unjustified.

11. Accordingly, the reference is adjudicated against the workman, Babu Ram; and as such, I come to the conclusion that he is not entitled to any of the relief(s) claimed by him.

12. Award as above.

Dr. MANJU NIGAM, Presiding Officer

Lucknow

23-12-2011

नई दिल्ली, 12 जनवरी, 2012

का.आ.571.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 73/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-01-2012 प्राप्त हुआ था।

[सं. एल-12012/107/2008-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 12th January, 2012

S. O. 571.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 73/2008) of

the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 12-01-2012.

[No. L-12012/107/2008-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present : Shri J. Srivastava, Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar

Industrial Dispute Case No. 73/2008

Date of Passing Award—22nd December, 2011

Between :

The Assistant General Manager,
State Bank of India, Bhubaneswar Main Branch,
Bhubaneswar, Dist. Khurda (Orissa),
Bhubaneswar, (Orissa) . . . 1st Party-Management

(And)

Their workman Shri Prasanna Kumar Sahoo,
Qrs. No. VR-5/1, Kharvela Nagar, Unit-III,
Bhubaneswar, (Orissa) . . . 2nd Party-Workman.

Appearances :

Shri Alok Das, : For the 1st Party-
Authorized Representative Management

None. : For the 2nd Party-
Workman.

AWARD

An industrial dispute existing between the employers in relation to the management of State Bank of India and their workman has been referred by the Government of India in the Ministry of Labour in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide their letter No. L-12012/107/2008-IR (B-I), dated 10-10-2008 to the following effect :

whether the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Prasanna Kumar Sahoo w.e.f. 30-9-2004, without complying the provisions of the I.D. Act, 1947, is legal and justified? To what relief is the workman concerned entitled?

2. The 2nd Party-Workman has filed his statement of claim alleging that he had joined the State Bank of India, Main Branch, Bhubaneswar as a Messenger on temporary/casual/daily wage basis on 9-1-1989 after succeeding in interview. He was assured to get permanent appointment

order after one year or on completion of 240 days' work in a calendar year, but despite completion of several years of continuous satisfactory service by putting more than 240 days' work in each year he was terminated and refused employment from 30-9-2004 by the 1st Party-Management without any written communication or payment of compensation. The 1st Party-Management in refusing employment to him violated all principles of natural justice and mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. He was also not given regular appointment. He therefore brought the matter in to the notice of the C.G.M. and C.D.O. of the State Bank of India, L.H.O, Bhubaneswar, but on hearing nothing, he raised an industrial dispute before the Regional Labour Commissioner (Central) vide his letter dated 5-10-2007. Conciliation proceedings were started, but they failed and thereupon a failure report was submitted to the Government. He is thus entitled to get full back wages and reinstatement with continuity of service with effect from 30-9-2004.

3. The 1st Party-Management in its reply through written statement has stated that the present dispute is misleading and misconceived in as much as the 2nd Party-workman had already raised a similar issue along with 124 other workers through State Bank of India Temporary 4th Grade Employees Union before the Assistant Labour Commissioner (Central), Bhubaneswar challenging their alleged termination of service by the 1st Party-Management. In the said dispute the failure report was sent by the Asstt. Labour Commissioner (Central), Bhubaneswar to the Ministry of Labour who in turn referred the matter to this Tribunal for adjudication and the same pending before this Tribunal being I.D. Case No. 7/2007. The name of the 2nd Party-workman is appearing at Sl. No. 67 in Annexure-A to the said reference. Thus, raising a common dispute for same cause of action and again raising individual dispute for same relief is nothing but an abuse of the process of law and amounts to multiplicity of litigation. The Asstt. Labour Commissioner (Central) while conciliating the individual disputes disregarded the direction of the Deputy Chief Labour Commissioner (Central) not to take any further action on the separate disputes raised by the same workers for the same cause of action. The allegation of the 2nd Party-workman that he was discontinued from service on 30-9-2004 and was signing bogus vouchers is not correct as the list of 112 persons depicting the name of the 2nd Party-workman at Sl. No. 67 shows that the services of Shri Sahoo were discontinued in November, 1990. He was engaged intermittently on temporary/daily wage basis due to exigencies of work. It is denied that he was performing the duty, which is regular and perennial in nature. It is further denied that he was performing his duties with all sincerity and honesty and to the best of satisfaction of the Authority. The 2nd Party-workman has never completed several years of continuous service in the Bank

nor he has completed 240 days of continuous service in any calendar year preceding the date of his alleged termination. He was given an opportunity for permanent absorption in the Bank in view of the various settlements entered into between the All India State Bank Staff Federation and Management of the State Bank of India and was called for interview in the year 1993, but he could not succeed in that interview. Therefore, he could not be absorbed in the Bank service. Some of the wait-listed candidates, who could not be absorbed in the Bank service due to expiry of the panel on 31st March, 1997 filed Writ Petitions before the Hon'ble High Court of Orissa. But the Hon'ble High Court of Orissa by a common order dated 15-5-1998 passed in O.J.C. No. 2787/1997 dismissed a batch of Writ Petitions and upheld the action of the Management of the Bank. One Natabar Das challenged that order before the Hon'ble Supreme Court in S.L.P. No. CC-3082/1999. But that too was dismissed. Hence the above matter has attained finality and cannot be re-agitated. Since the services of Shri Sahoo were terminated in March, 1989 his claim has become stale by raising of dispute after a period of 17 years. It is a settled principle of law that delay destroys the right to remedy. Thus raising the present dispute after 17 years of alleged termination is liable to be rejected.

4. On the pleadings of the parties following issues were framed :—

ISSUES

1. Whether the present reference of the individual workman during the pendency of the I.D. Case No. 7/2007 before the Hon'ble Tribunal on the same issue is legal and justified?
2. Whether the workman has worked for more than 240 days as enumerated under Section 25-F of the Industrial Disputes Act?
3. Whether the action of the Management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Prasanna Kumar Sahoo with effect from 30-9-2004 without complying the provisions of the I.D. Act, 1947 is legal and justified?
4. To what relief is the workman concerned entitled to?
5. The 2nd Party-workman despite giving sufficient opportunity did not produce any evidence either oral or documentary in support of his claim and willingly kept himself out of the proceedings by absenting himself or his Union representative.
6. The 1st Party Management has adduced the oral evidence of Shri Abhaya Kumar Das as M.W.-I and filed documents marked as Ext.-A to Ext.-J in refutation of the claim of the 2nd Party-workman.

FINDINGS

ISSUE No. 1

7. A specific plea has been raised by the 1st Party-Management that a group of employees including along with the 2nd Party workman had already raised a similar dispute in I.D. Case No. 7/2007 before this Tribunal for the same relief which is pending for adjudication. The dispute as referred to in I.D. Case No. 7/2007 is given below—for comparison with the dispute in presence case—

Whether the action of the Management of State Bank of India, Orissa Circle, Bhubaneswar in not considering the case of 125 workmen whose details are in Annexure-A for re-employment as per Section 25(H) of Industrial Disputes Act, 1947 is legal and justified? If not, what relief the workmen is entitled to?

8. The name of the 2nd party-workman appears at Sl. No. 67 in Annexure-A to the above reference. In both the cases the matter of disengagement or so called retrenchment is involved to be considered and the relief claimed is with regard to re-employment. But more specifically challenge has been made against the termination of service of the 2nd Party-workman in the present case while in I.D. Case No. 7/2007 prayer has been made with regard to consideration of the case of 125 workmen for re-employment as per Section 25-H of the Industrial Disputes Act, 1947. In fact, in the latter case the workmen have submitted or virtually surrendered to their cessation of employment or alleged termination, whereas in the present case they have challenged their termination on facts and law. Virtually in the present case validity and legality of the alleged termination has to be tested on the altar of facts and legal propositions. Therefore it cannot be said that issues involved in both the cases are same. This case can proceed despite pendency of I.D. Case No. 7/2007 and the present reference by the individual workman pending for adjudication is maintainable being legal and justified. This issue is therefore decided in the affirmative and against the 1st Party-Management.

ISSUE No. 2

9. The onus to prove that the 2nd Party-workman has completed one year or 240 days of continuous service during a period of 12 calendar months preceding the date of his alleged termination or disengagement from service lies on him, but the 2nd Party-workman has not adduced any evidence either oral or documentary in support of his contention. He has only alleged in his statement of claim that he was appointed with effect from 9-1-1989 and worked till 30-9-2004 on temporary, casual or daily wage basis, but he has not filed any certificate or reliable document showing the break-up of year-wise service rendered by him under the 1st Party-Management during the above period. The 1st Party-Management on the other hand,

has alleged that the 2nd Party-workman was engaged intermittently on temporary/daily wage basis due to exigencies of work and he had never completed 240 days continuous service in a calendar year. MW 1 Shri Abhaya Kumar Das in his statement before the Court has stated “that the disputant was working intermittently for few days in our branch on daily wage basis in exigencies. He had not completed 240 days of continuous and uninterrupted service preceding the alleged date of the termination”. He has denied the allegation that the workman was discontinued with effect from 30-9-2004, but stated that “the workman left the branch from working since November, 1990”. Thus he had never worked after November, 1990. The 2nd Party-workman has to disprove the evidence led by the 1st Party-Management, but he has not come before the Court to give evidence. A temporary or daily wage worker has no right to claim reinstatement and particularly when such an employee had not worked for 240 days continuously during the period of 12 calendar months preceding the date of his alleged termination as per provisions of Section 25-F of the Industrial Disputes Act, 1947. Therefore it cannot be said that the services of the 2nd Party-workman were terminated without complying the provisions of the Industrial Disputes Act, 1947. This issue is decided against the 2nd Party-workman for failing to prove that he had worked for 240 days continuously during the period of 12 calendar months preceding the date of his disengagement or alleged termination from service.

ISSUE No. 3

10. Since the 2nd Party-workman could not prove that he had rendered 240 days continuous service under the 1st Party-Management during the period of 12 calendar months preceding the date of his disengagement or alleged termination, he is not entitled for re-employment. Moreover, he was a temporary/casual/daily wage employee. His services can be terminated at any time without assigning any cause by the 1st Party-Management. He has no legal right to be retained in service for the extended period, if he was appointed for a certain period or when no time is specified. The 2nd Party-workman has not filed any letter of appointment or proof of having rendered service under the 1st Party-Management for a specified period against a regular post. The 1st Party-Management has further alleged that in time of exigencies only the 2nd Party-workman was employed. It means that with the end of exigencies his job also came to an end. In view of the matter the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Prasanna Kumar Sahoo with effect from the alleged date of his termination is fair, legal and justified and cannot be said to be in contravention of the provisions of Industrial Disputes Act, 1947. This issue is accordingly decided in the affirmative and against the 2nd Party-workman.

ISSUE No. 4

11. In view of the findings recorded above under Issue No. 2 and 3 the 2nd Party-workman is not entitled to any relief whatsoever claimed.

12. Reference is answered accordingly.

Dictated & Corrected by me.

JITENDRA SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जनवरी, 2012

का.आ.572.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रिजर्व बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 29/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-01-2012 को प्राप्त हुआ था।

[सं. एल-12011/64/2008-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 12th January, 2012

S. O. 572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 29/2009) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Reserve Bank of India, and their workmen, received by the Central Government on 12-01-2012.

[No. L-12011/64/2008-IR (B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
HYDERABAD

Present : Shri VED PRAKASH GAUR, Presiding Officer

Dated the 23rd day of December, 2011

Industrial Dispute No. 29/2009

Between :

Sri U. Shradhanand,
S/o Late Sh. Sivaram,
Plot No. 50, Krishna Reddy Nagar,
New Bowenpalli, Secunderabad

...Petitioner

AND

The General Manager,
Reserve Bank of India,
H. No. 6-1-56, Secretariat Road,
Saifabad, Hyderabad-500 004

... Respondent

Appearances :

For the Petitioner : Sri K. Nirmal Kumar Prasad,
Advocate

For the Respondent : Management Representative

AWARD

The Government of India, Ministry of Labour by its order No. L-12011/64/2008-IR (B-1) dated 17-6-2009 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Reserve Bank of India and their workman Sri U. Shradhanand.

The reference is,

SCHEDULE

“Whether the action of the management of Reserve Bank of India, Hyderabad in imposing punishment of dismissing the service of Sri U. Shradhanand, Subedar under Rule 45 of the RBI (Staff) Regulations, 1948 w.e.f. 2-12-2003 is justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 29/2009 and notices were issued to the parties.

2. Upon the service of the notice workman submitted his written statement alleging therein that he was chargesheeted vide chargesheet No. 20/2002-2003 dated 29-4-2003 under regulation 47 of Reserve Bank of India (Staff) regulations, 1948 alleging therein that the Petitioner has committed an act of misconduct and acted in the manner detrimental to the interest of the bank. In the following manner :—

1. Having Exceeding the prescribed limit of unsecured liabilities

2. Failed to take steps to liquidate unsecured liabilities within a reasonable period.

3. failed to furnish statement of unsecured liabilities in the prescribed proforma and

4. having applied for protection of insolvency in Small Causes Court, Hyderabad.

3. On the above charges enquiry was conducted and Enquiry Officer submitted a report dated 18-7-2003 against which Petitioner raised objection in the manner of conduct of enquiry because the principles of natural justice were violated by the Enquiry Officer who submitted a report concluding that the charges against the Petitioner were proved against which a show cause notice was issued to the Petitioner dated 2-12-2008. Petitioner submitted his representation dated, 17-12-2003 but the competent authority without considering the representation, imposed penalty of dismissal from service vide order 29-12-2003 (Ex. No. 6). Against which the Petitioner submitted an

appeal to the Regional Director, Reserve Bank of India, who rejected the appeal vide order dated 6-4-2004.

4. The Petitioner has alleged that no justice was rendered to him at any stage by the Department as such, he approached the conciliation officer/ALC(C), Hyderabad for redressal of the grievance which resulted in failure. Conciliation Officer referred the matter to Central Government from where the case has been referred to this Tribunal. The Petitioner has alleged that none of the charges framed against the Petitioner are sustainable and they were liable to be dismissed. Petitioner has clarified his position against: Charge No. 1: before exceeding the prescribed limit of unsecured liability — He has clarified that no limit for unsecured liabilities was fixed under Regulation 45 of Reserve Bank of India (Staff) Regulations, 1948 because Regulation 45 prescribes that — an employee who is in debt shall furnish to the competent authority a signed statement of his/her position half yearly as on 30th June and 31st December and shall indicate in the statement, the steps he/she taking to rectify his/her position. Explanation (1) appended to the Regulation No. 45 reads as under : "For the purpose of this regulation an employee shall be deemed to be in debt if his/her total liabilities exclusive of those which are fully secured exceed his/her substantive pay for twelve months.

5. The Petitioner has tried to explain by alleging that a conjoint reading of these two provisions indicate as to who is due to be in debt. It prescribes that if any employee whose total liabilities exclusive of those which are secured, exceeds his position his/her substantive pay for 12 months, he/she is deemed to be in debt.

6. He alleged that this provision only fixed a limit over and above which an employee is considered to be in debt. There is no limitation fixed on the quantum of total liability (he has written exclusive of the secured liabilities). Only an obligation is placed on the employee to furnish the particulars of debt to the competent authority in half yearly statements. He has alleged that the Enquiry Officer has grossly erred in appreciating the rule position laid down in Regulation No. 45.

7. He has further stated that taking loans per se is not prohibited under the regulations. No limit of liability is prescribed under regulation No. 4. What is prescribed is only submission of liability position through half yearly report in prescribed proforma which the Petitioner to this case submitted, as admitted by them in the documents marked Ex. 2 on behalf of the management before the Enquiry Officer. This Ex. 2 is a statement which was filed by Presenting Officer which prove that the Petitioner has given the required statement to the authority. The Petitioner has assailed the finding of the Enquiry Officer regarding the finding that the Petitioner never refuted the bank's charge that charge sheeted employee exceeded the prescribed limit of unsecured liabilities. Except Ex.No.1 the

salary slip of the Petitioner for the month of May, 2003 and Ex. No. 2 is statement given by the Petitioner nothing was filed by the management to substantiate the charges. Thus, the finding of the Enquiry Officer is bad and perverse.

8. So far as the charge No. 3 is concerned, the Petitioner has alleged that the Enquiry Officer without any valid ground has arrived at this conclusion that Petitioner has not taken step to liquidate the unsecured liabilities within reasonable period. Regarding charge No. 3, failure to furnish statement of unsecured liabilities is a problem. the Petitioner has confided that he submitted the statement during the enquiry proceeding as such, there is no delay and any violation as held by the Enquiry Officer.

9. More over, he has alleged that there is no rule to impose punishment of dismissal on the ground of securing loan exceeding the prescribed limit or any lapse on non-furnishment of statement of unsecured liability or for failure to take step to liquidate such unsecured liability within a reasonable period. Hence, the punishment of dismissal from the service is disproportionate, it is shocking to the conscience of the Petitioner who secured loan to perform his daughter's marriage and for his own treatment because he suffered of heart attack and he was hospitalized for which money was required and to meet out hospital expenses and his daughter's marriage he took loans from his friends and relatives as such, the order of dismissal is bad in the eye of law and fit to be quashed.

10. Respondent management has filed counter statement alleging therein that Reserve Bank of India is a statutory corporation constituted under Reserve Bank of India Act, 1934. The service conditions of workmen employees of Bank are governed by the Reserve Bank of India (Staff) Regulations, 1948 which are in nature of administrative instructions binding on the employees of the bank, as had been observed by the Hon'ble Supreme Court of India in, the case of V.T. Khanzode Vs. Reserve Bank of India reported in AIR 1982 SC 917. Apart from the above, the service conditions of the workmen employees of the bank also governed by various settlements entered into by the bank with the recognized unions/associations of the employees and the various awards passed by Industrial Tribunals and circulars and instructions issued by the bank from time to time.

11. The management has alleged that order of dismissal of Sri U. Shradhanand, Subedar has been passed in compliance of provisions or Staff Regulations by following the principles of natural justice after giving full and fair opportunity to the workman to defend his case.

12. It has been alleged that it came to the notice of the bank that the workman has filed an insolvency petition No. 3 of 2003 in the Court of Hon'ble Addl. Judge, Small Causes Court at Hyderabad on 23-1-2003 for declaring himself as insolvent under Insolvency Act, 1920 as he

was unable to clear the liabilities amounting to Rs. 33.65 lakhs to 8 creditors as mentioned in the affidavit enclosed to petition filed in civil court. The bank therefore, charged sheeted the workman vide proceeding No. 20/2002-2003 dated 29-4-2003 for breach of Regulations 45 & 32 of the RBI Staff Regulation, 1948 and committing the act of misconduct in acting in a detrimental manner to the interest of the bank by :

- a. Having Exceeding the prescribed limit of unsecured liabilities
- b. failed to take steps to liquidate unsecured liabilities within a reasonable period.
- c. failed to furnish statement of unsecured liabilities in the prescribed proforma and
- d. having applied for protection of insolvency in Small Causes Court, Hyderabad.

13. The workman was called upon to answer the charges in writing, the workman submitted his reply stating therein that he suffered heart attack and the medical expenses incurred were met by borrowing from relatives and friends, he further stated that he has performed the marriage of his daughter for which too he borrowed money from his relatives and friends, but he could not furnish the unsecured liabilities statement within the reasonable period and requested to condone the delay. He further admitted that due to wrong advice given by his friends and his lawyer he has filed Insolvency Petition No. 3 of 2003 which was subsequently withdrawn on 29-4-2003. Not satisfied with the reply charge sheet was served to him, he participated in the enquiry and charges were found to be proved.

14. The contention of the Petitioner that there is no provision for dismissal from service on the ground of resorting to secured or unsecured liabilities exceeding the prescribed limit is not correct because the Regulation No. 45 of Reserve Bank of India (Staff) Regulations, 1948 rules prescribed that :—"An employee who is in debt shall furnish to the Competent Authority a signed statement of his/her position half-yearly as on the 30th June and 31st December, and shall indicate in the statement the steps he/she is taking to rectify his/her position. An employee who makes a false statement under this Regulation or who fails to submit the prescribed statement or appears unable to liquidate his/her debts within a reasonable time or applies for the protection of an insolvency court shall be liable to dismissal. Under Explanation No. 1 and 2 the total liability or the exceeding limits of an employee is said to be exceeded the total liability limits if he secures debt exceeding the amount equivalent to 12 months of substantive pay and if he is unable to pay the debt within two years. Thus, the limit and period of debt is prescribed in Regulation 45 office staff rules. The contention of the Petitioner that there is no such limit is incorrect. The rules

and regulations are applicable to each and every employee and they are bound to those rules. So far as question of enquiry being lopsided or biased is not correct, because the documents were produced in the presence of the Petitioner and they are marked in the presence of the Petitioner. The Petitioner was represented through the defence representative who contested the case on behalf of the Petitioner and after the enquiry proceeding, enquiry report was submitted by the Enquiry Officer. A copy of which was given to the Petitioner and Petitioner submitted his explanation which was not found satisfactory. Petitioner has violated the expressed provisions and regulation 45 as the Petitioner has filed a petition under Insolvency Act for protection of said Act, as such, it cannot be said that the Petitioner was dismissed without following the prescribed procedure or without any provision of the Regulation. There is no merit in the petition, the punishment has been imposed according to the rules framed by the management. It is neither illegal or unjustifiable Nor shocking nor disproportionate. Hence, Petitioner is not entitled for any relief.

15. Both the parties has adduced documentary evidence which relates to the proceeding taken during domestic enquiry.

16. Before entering into the merit of the case, since the Petitioner has raised and challenged the legality and validity of the domestic enquiry conducted by the management. The legality and validity of the domestic enquiry was considered by this Tribunal and by order dated 11-8-2011 this Tribunal arrived at the conclusion that the domestic enquiry conducted in this case is legal and valid. There was no violation of principles of natural justice. The matter is posted for argument under Sec. 11 A of the Industrial Disputes Act, 1947.

17. I have heard counsel for the Petitioner and representative of the management. Both of them have filed their written arguments as well. I have considered the written argument and oral submission made by the parties and case laws cited by the Respondent.

18. Learned Counsel for the Petitioner has argued under Sec. 11 A of the Industrial Disputes Act, 1947 regarding validity of the domestic enquiry and he again reiterated that the principles of natural justice was not followed.

19. Against this argument, the representative of the bank has contended that the question of legality and validity of domestic enquiry has already been considered by this Tribunal and this Tribunal cannot go back again to re assess the legality and validity of domestic enquiry. Under Sec. 11A of the Industrial Disputes Act, 1947, the power of this Tribunal is very limited because this Tribunal is not an Appellate Authority or Appellate Tribunal against the order passed on the question of legality and

validity of this Tribunal. Now, this Tribunal can interfere in the matter of punishment only if this Tribunal is of the opinion that punishment is disproportionate to the misconduct committed by the Petitioner or the punishment is unjustifiable or excessive in nature. Thus, this Tribunal only can interfere in the punishment imposed by the management.

20. Learned Counsel for the Petitioner has further argued that there is no provision for dismissal of the employee on the ground of securing loan exceeding any prescribed limit or non-furnishing the statement or non-payment of debt within the reasonable time as such, the order is disproportionate and excessive when compared to the misconduct committed.

21. Representative for management has argued that there is clear provision that if any employee has taken loan exceeding the prescribed limit which is equivalent of 12 months of his substantive pay. If he has not paid in reasonable time or if he has not furnished the statement to the bank on 30th June and 31st December of every year or if he has taken resort of the Insolvency Act in respect of such loan then, he will be dismissed from the service. In the present case there was a clear cut charge against the Petitioner worker that he has filed insolvency petition No. 3/2003 before Addl. Small Causes Court, Hyderabad in January, 2003 mentioning therein the names of persons from whom he has secured loan of a sum of Rs. 33,65,000 and his inability to repay loans and to declare him insolvent. This material fact has not been challenged by the Petitioner rather he himself presented the written reply before the Enquiry Officer wherein he has admitted that he has filed IP petition before the Court under wrong advise of his relatives and lawyer and he withdrew that petition on 29-4-2003 after receipt of the charge sheet. He has further admitted that he did not submit the statement of unsecured loan as prescribed in the regulation and regarding non-payment of the loan, he himself has admitted in his reply that he was constrained to make repayment due to his illness, meager salary and performance of marriage of his daughter. For which too he borrowed money from friends, relatives and well-wishers. All these admissions made by the Petitioner before the Enquiry Officer through his explanation and representations coupled with the letter of the creditors the Enquiry Officer which was constrained to come to conclusion that the Petitioner who was drawing a pay of Rs. 7845 seen in the salary slip for the month of May, 2003 on the basis of which Petitioner was entitled to secure a loan of 12 months pay i.e., equivalent to Rs. 94140 wherein Petitioner himself in his representation sent to DGM., Banking has stated that the amount should have been Rs. 1,17,675 meaning thereby that in any occasion the Petitioner's credit limit should not have been exceeded Rs. 1,17,675 whereas as per his own I.P. he is having Rs. 33,65,000 as loan from his creditors. This amply proves that Petitioner has violated

the provision and condition of Regulation 45 and he was rightly dismissed from the service.

22. On the basis of above argument this Tribunal has to consider the following points:—

(I) Whether the action of the management of Reserve Bank of India in imposing the punishment of dismissal to the Petitioner Sri U. Shradhanand is legal and justified or not?

(II) To what relief if any the Petitioner is entitled?

23. Point No. (I): It is a fact that the Petitioner was appointed in the Respondent's organization and his services are governed by Reserve Bank of India (Staff) Regulations, 1948. This material fact is admitted between the parties. It is also admitted between the parties that there are Regulation No. 45, 46 and 47 governing the conduct of the employees in the matter of securing loans etc. under Regulation 45 of Reserve Bank of India, every employee who is in debt shall furnish to competent authority a signed statement his or her position of debt half yearly on 30th June and 31st December.

24. There is another condition that no employee shall secure a debt exceeding the maximum limit of 12 months substantive salary. If any employee secures loan or he has any debt beyond exceeding limits and who has not taken steps to repay the loan or has filed a petition for insolvency, in such cases he shall be dismissed.

25. In the matter of Petitioner he was dismissed under this provision. Before dismissal of the Petitioner he was given ample opportunity to clarify his position before the management for which a charge sheet was issued to him. He was asked to submit explanation. After explanation of the Petitioner, not satisfied with the explanation of the Petitioner domestic enquiry was held. Management and Petitioner both participated in the enquiry. Both submitted their pleas and evidence before the Enquiry Officer who concluded enquiry and submitted report holding that Petitioner was guilty of the misconduct defined in Regulation 45 on the basis of which the Petitioner's services were terminated or dismissed.

26. It has been argued by Learned Counsel for the Petitioner under Sec. 11 A that the enquiry was not conducted in fair and proper manner and valid form, no proper opportunity was given to the Petitioner. There was no material before the Enquiry Officer and the finding of the Enquiry Officer was not based on any evidence produced by the management.

27. This argument has been refuted by the management on the ground that the question of legality and validity of the domestic enquiry was already assessed by this Tribunal and this Tribunal by its order dated 11-8-2011 has held that domestic enquiry is legal and valid following the principles of natural justice as such, this Tribunal cannot go into the merits of domestic enquiry conducted by the management because the question of

legality and otherwise of the domestic enquiry has already settled by this Tribunal and this Tribunal is not an Appellate Authority to re-assess the legality and validity of the domestic enquiry in view of case law reported in 2007(115) FLR 745 A.P. in the matter of Depot Manager, APSRTC V/s. Mohd. Ghani and 2007 (7) SCC 206 Bhongaigaon Refinery & Petrochemicals Ltd., and others V/s. Girish Chandra Sarma and others in which it has already been held by Hon'ble Supreme Court of India and Hon'ble High Court of A.P., Hyderabad that Industrial Tribunals and Labour Courts are not Appellate Authority to the finding of the Enquiry Officer that too where same Tribunal has already held that the enquiry conducted by the management was legal and valid. Thus, this Tribunal now cannot go back to the stage of re assessment of the legality and validity of the domestic enquiry.

28. I have considered this argument and have gone through the case laws reported upon by Learned Counsel for the Respondent. It is true that this Tribunal has already upheld the legality and validity of domestic enquiry conducted by the management in this case on 11-8-2011 as such, this Tribunal at this stage under Sec. 11 A of the Industrial Disputes Act, 1947 is not competent to re assess the legality and validity of the domestic enquiry. Thus, there is no force in the contention of the Learned Counsel for the Petitioner that the domestic enquiry conducted was improper or lopsided.

29. Coming to the question of action of management in imposing the punishment of dismissal under Regulation 45 of Reserve Bank of India (Staff), 1948. It has been argued by Learned Counsel for Petitioner that there was no upper limit provided under the Staff Regulations, 1948 in the matter of securing loan and there is no provision in the staff regulation for dismissal of employee on the ground of securing loan or non-submission of statement to the management. Against this argument representative of management has argued that the provision of Regulation 45 is very clear. Wherein it has been provided that an employee who is in debt shall furnish to the competent authority his statement or her position half yearly on 30th June and 31st December and shall indicate in the statement that he/she is taking to rectify his or her position. An employee who makes a false statement under this regulation or who fails to submit the prescribed statement or appears unable to liquidate his or her debts within reasonable time or applies for protection of insolvency court shall be liable to dismissal.

30. He has further argued that in :

“Explanation 1 : under regulation 45, for approval of this regulation an employee shall be deemed to be in debt if his or her total liabilities exclusive of those which are fully secured, exceeds his or her substantive pay for 12 months.

Explanation 2 : An employee shall be deemed to be unable to liquidate his/her debts within a reasonable time

if it appears having regard to his/her personal resources and unavoidable current expenses that he/she will not cease to be in debt within a period of two years.” Thus, the Regulation 45 coupled with Explanation Nos. 1 and 2 it is very clear that if any employee of the Reserve Bank of India has secured debt exceeding 12 months substantive pay then, he has to submit a statement and steps taken by him to liquidate such loan to the management. In the matter of Petitioner he himself filed a petition before Insolvency Court IP No. 3/2003 alleging therein that Petitioner is in debt of Rs. 33,65,000 and his monthly income is only Rs. 2000 as such, he is not in a position to repay the loan and he be declared insolvent. He filed this petition for declaration of insolvency. The Petitioner's pay as per pay slip for the month of May, 2003, his substantive pay is Rs. 7845. He took hand loan for Rs. 33.65 lakhs from 8 creditors but he did not submit any statement of his loans and there is specific provision for dismissal from service who secures loan in excess of his limit of 12 months substantive pay and file petition for declaration of insolvency which was nowhere opposed by the Petitioner and thus, there is a specific provision for dismissal of such employee who secures loans exceeding his financial capacity and those who have not submitted statement of their liability and the steps taken by them and take recourse to insolvency court.

33. I have considered this argument and has gone through the documents available on the record. There is charge sheet, along with xerox copy of the IP No. 3/2003, filed by the Petitioner before Addl. Judge, City Small Causes Court, Hyderabad for declaring himself insolvent where he has named 8 persons and has shown that he has borrowed Rs. 33,65,000 from creditors he is unable to repay the loan due to his meager salary. Petitioner has not denied that he has not borrowed the same or he did not file the petition before the Addl. Judge, City Small Causes Court, Hyderabad, he filed an order of the Addl. Judge, City Small Causes Court, Hyderabad showing that he has withdrawn the petition from that court because he filed the petition under wrong advice and wrong impression. During his first explanation he submitted before the authority that he borrowed money from close friends on account of his ill-health and daughter's marriage that is why he could not furnish the statement of loan in prescribed proforma. He has filed IP 3/2003 under wrong advice of friends and the lawyer which he has withdrawn on 29-4-2003 which is fully proved that the Petitioner did not submit the statement of his unsecured debt before the management. He filed a petition alleging therein that he in debt of Rs. 33,65,000 the matter was enquired and on the basis of the evidence, Enquiry Officer has submitted his report holding the Petitioner guilty of the misconduct under Regulation 45, wherein there is a specific provision for dismissal from the service. Thus, there is no force in the argument of the Learned Counsel for the Petitioner that there is no provision for dismissal.

34. No doubt, Petitioner during course of enquiry has filed a statement claiming that he has borrowed only Rs. 33,65,000 but filing of the petition IP No. 2003 has not been denied. He filed amended statement before Enquiry Officer as if he has borrowed Rs. 10 lakhs and that he is not in debt of Rs. 33.65 lakhs. This amended statement also prove that amount of debt exceeds the maximum limit which is permissible for him for securing debt being more than his 12 months substantive pay i.e., Rs. 94140 thus, the argument of the Petitioner that he was unnecessarily or illegally dismissed from service is not correct. The Petitioner has violated service rules/regulations 45 prove for dismissal of services. In his explanation before the management he has stated that he could not submit his statement due to his illness or the marriage of his daughter. But he did not disclose either the date or year of marriage of his daughter or dates of his illness as such, the explanation given by the Petitioner was not correct and that was the reason the management decided to hold domestic enquiry. Thus, I am of the definite view that in view of the documentary evidence and the report of the Enquiry Officer. Petitioner has secured loan exceeding 12 months of his pay and he did not take any step to repay the loan nor he submitted the detailed statement before the management and he resorted to proceeding under insolvency Act, in view of the specific provision of Regulation 45 the management has dismissed the Petitioner from the service which is neither illegal nor unjustified.

35. To my mind it appears that the provision of Regulation 45 has been inserted in the service rules of the bank employees with a view to eliminate corruption among the bank employees whose day to day functioning is to deal with the money of the customers. The object of imposition of this condition is that a bank employee would not exceed his loan liability beyond 12 months of his pay because if he secures more debts he will try to repay the loan by corrupted means and that was the object of imposing ban on exceeding unsecured loans and punishment of dismissal from the service. Thus, the argument of the Petitioner that he was illegally dismissed from service is not correct, he has been dismissed under Regulation 45 of Reserve Bank of India (Staff) Rules, 1948. It has been argued by the representative of the management that imposing the punishment to an employee after holding domestic enquiry is the sole domain of the management. Since, imposition of the punishment is the primary function of the management and Petitioner has not been able to prove that domestic enquiry conducted was either invalid, illegal, improper or violative of principles of natural justice, as such, this Tribunal cannot substitute its own view on the matter of punishment. He has relied on the case laws reported in 2011(130) FLR 1082 SCC in the matter of State Bank of Mysore Vs. M.C. Krishnappa, 2005-LLR-0-420, 2005-AIR(SC)-0-1924 between Madhya Pradesh Electricity Board Vs. Jagdish Chandra Sharma, in Hombé Gowda EDN Trust Vs. State of Karnataka reported

in 2006-RAJKW-1-632, 2006-KERLT-1-46, in which it was held that it is the sole discretion of the management to impose punishment on the employee. Imposition under Sec. 11 (I), 11(A) an Industrial Tribunal can not alter the punishment and impose another punishment unless the Industrial Tribunal comes to the conclusion that the punishment imposed by the management is excessive and shocking to the conscience of a prudent man. In the present case the management imposed only that punishment which was prescribed under the Service Regulations that the misconduct of borrowing money exceeding the limit of the employee twelve month substantive salary and that on the filing of petition for declaration of insolvency for which there is a specific provision of dismissal from service as such, this Tribunal can not interfere in the quantum of punishment imposed by the management.

36. I have gone through these case laws and I am of the view that there is force in the contention of the representative of the management that since there is specific provision for dismissal of service on commission of misconduct of securing loan exceeding maximum limit of the substantive pay of 12 months by the Petitioner, who did not file any statement before the management showing his unsecured liabilities and during course of enquiry tried to mislead by filing amended statement against that Petition he has filed before the court of law. Thus, the management has not committed any illegality in passing order of dismissal against the Petitioner the action of the management is neither illegal nor unjustified. Point No. (I) is decided accordingly.

37. **Point No. (II) :** The Petitioner could not be able to prove that punishment imposed on the Petitioner either illegal or unjustified. As such, the Petitioner is not entitled for any relief and petition deserves to be dismissed.

38. From the above discussion, the reference is answered, that the action of the management of Reserve Bank of India, Hyderabad in imposing punishment of dismissing the service of Sri U. Shradhanand, Subedar under Rule 45 of the RBI (Staff) Regulations, 1948 w.e.f. 2-12-2003 is legal and justified and Petitioner is not entitled for any relief. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 23rd day of December, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner
NIL

Documents marked for the Respondent
NIL

नई दिल्ली, 12 जनवरी, 2012

AWARD

का.आ. 573.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 71/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 12-1-2012 को प्राप्त हुआ था।

[सं. एल-12012/105/2008-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 12th January, 2012

S.O. 573.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workman, received by the Central Government of 12-1-2012.

[No. L-12012/105/2008-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR

PRESENT:

Shri J. Srivastava,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar,

Industrial Dispute Case ID No. 71/2008

Date of Passing Award-22nd December, 2011

Between:

The Assistant General Manager,
State Bank of India,
Bhubaneswar,
Main branch, Bhubaneswar,
Dist., Khurda (Orissa),
Bhubaneswar. (Orissa)1st Party-Management
(AND)

Their workman Shri Ajay Kumar Das,
Qr. No. VR-5/1, Kharvela Nagar, Unit-III,
Bhubaneswar, (Orissa)2nd Party-Workman

Appearances:

Shri Alok Das, Authorized Representative	: For the 1st Party Management
None	: For the 2nd Party Workman.

An industrial dispute existing between the employers in relation to the management of State Bank of India and their workman has been referred by the Government of India in the Ministry of Labour in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide their letter No. L-12012/105/2008-IR (B-I), dated 7-10-2008 to the following effect:

“Whether the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Ajay Kumar Das w.e.f. 30-9-2004 without complying the provisions of the ID. Act, 1947, is legal and justified? To what relief is the workman concerned entitled?”

2. The 2nd Party-Workman has filed his statement of claim alleging that he had joined the State Bank of India, Main Branch, Bhubaneswar as a Messenger on temporary/casual/daily wage basis in the month of November, 1985 after succeeding in interview. He was assured to get permanent appointment order after one year or on completion of 240 days' work in a calendar year, but despite completion of several years of continuous satisfactory service by putting more than 240 days' work in each year he was terminated and refused employment from 30-9-2004 by the 1st Party-Management without any written communication or payment of compensation. The 1st Party-Management in refusing employment to him violated all principles of natural justice and mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. He was also not given regular appointment. He therefore brought the matter in to the notice of the C.G.M. and C.D.O. of the State Bank of India, L.H.O, Bhubaneswar, but on hearing nothing, he raised an industrial dispute before the Regional Labour Commissioner (Central) vide his letter dated 29-10-2007. Conciliation proceedings were started, but they failed and thereupon a failure report was submitted to the Government. He is thus entitled to get full back wages and reinstatement with continuity of service with effect from 30-9-2004.

3. The 1st Party-Management in its reply through written statement has stated that the present dispute is misleading and misconceived in as much as the 2nd Party-workman had already raised a similar issue along with 124 other workers through State Bank of India Temporary 4th Grade Employees Union before the Assistant Labour Commissioner (Central), Bhubaneswar challenging their alleged termination of service by the 1st Party-Management. In the said dispute the failure report was sent by the Asstt. Labour Commissioner (Central), Bhubaneswar to the Ministry of Labour who in turn referred the matter to this Tribunal for adjudication and the same is pending before this Tribunal being I.D. Case No. 7/2007. The name of the 2nd Party-workman is appearing at Sl.

No. 91 in Annexure-A to the said reference. Thus, raising a common dispute for same cause of action and again raising individual dispute for same relief is nothing but an abuse of the process of law and amounts to multiplicity of litigation. The Asstt. Labour Commissioner (Central) while conciliating the individual disputes disregarded the direction of the Deputy Chief Labour Commissioner (Central) not to take any further action on the separate disputes raised by the same workers for the same cause of action. The allegation of the 2nd Party-workman that he was discontinued from service on 30-9-2004 and was signing bogus vouchers is not correct as the list of 112 persons depicting the name of the 2nd Party-workman at Sl.No.91 shows that the services of Shri Das were discontinued in May, 1987. He was engaged intermittently on temporary/daily wage basis due to exigencies of work. It is denied that he was performing the duty, which is regular and perennial in nature. It is further denied that he was performing his duties with all sincerity and honesty and to the best of satisfaction of the Authority. The 2nd Party-workman has never completed several years of continuous service in the Bank nor he has completed 240 days of continuous service in any calendar year preceding the date of his alleged termination. He was given an opportunity for permanent absorption in the Bank in view of the various settlements entered into between the All India State Bank Staff Federation and Management of the State Bank of India and was called for interview in the year 1993, but he could not succeed in that interview. Therefore, he could not be absorbed in the Bank service. Some of the wait-listed candidates, who could not be absorbed in the Bank service due to expiry of the panel on 31st March, 1997 filed Writ Petitions before the Hon'ble High Court of Orissa. But the Hon'ble High Court of Orissa by a common order dated 15-5-1998 passed in O.J.C. No. 2787/1997 dismissed a batch of Writ Petitions and upheld the action of the Management of the Bank. One Natabar Das challenged that order before the Hon'ble Supreme Court in S.L.P. No. CC-3082/1999. But that too was dismissed. Hence the above matter has attained finality and cannot be re-agitated. Since the services of Shri Das were terminated in May, 1987 his claim has become stale by raising of dispute after a period of 20 years. It is a settled principle of law that delay destroys the right to remedy. Thus raising the present dispute after 20 years of alleged termination is liable to be rejected.

4. On the pleadings of the parties following issues were framed:—

ISSUES

1. Whether the present reference of the individual workman during the pendency of the I.D. Case No. 7/2007 before the Hon'ble Tribunal on the same issue is legal and justified?
2. Whether the workman has worked for more than 240 days as enumerated under Section 25-F of

the Industrial Disputes Act?

3. Whether the action of the Management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Ajay Kumar Das with effect from 30-9-2004 without complying the provisions of the I.D. Act, 1947 is legal and justified?
4. To what relief is the workman concerned entitled to?
5. The 2nd Party-workman despite giving sufficient opportunity did not produce any evidence either oral or documentary in support of his claim and willingly kept himself out of the proceedings by absenting himself or his Union representative.
6. The 1st Party-Management has adduced the oral evidence of Shri Purna Chandra Behera as M.W.-1 and filed documents marked as Ext.-A to Ext.-J in refutation of the claim of the 2nd Party-workman.

FINDINGS

ISSUE NO. 1

7. A specific plea has been raised by the 1st Party-Management that a group of employees including along with the 2nd Party-workman had already raised a similar dispute in I.D. Case No. 7/2007 before this Tribunal for the same relief which is pending for adjudication. The dispute as referred to in I.D. Case No. 7/2007 is given below — for comparison with the dispute in presence case —

Whether the action of the Management of State Bank of India, Orissa Circle, Bhubaneswar in not considering the case of 125 workmen whose details are in Annexure-A for re-employment as per Section 25(H) of Industrial Disputes Act, 1947 is legal and justified? If not, what relief the workmen is entitled to?

8. The name of the 2nd party-workman appears at Sl. No. 91 in Annexure- A to the above reference. In both the cases the matter of disengagement or so called retrenchment is involved to be considered and the relief claimed is with regard to re-employment. But more specifically challenge has been made against the termination of service of the 2nd Party-workman in the present case while in I.D. Case No. 7/2007 prayer has been made with regard to consideration of the case of 125 workmen for re-employment as per Section 25-H of the Industrial Disputes Act, 1947. In fact, in the latter case the workmen have submitted or virtually surrendered to their cessation of employment or alleged termination, whereas in the present case they have challenged their termination on facts and law. Virtually in the present case validity and legality of the alleged termination has to be tested on the altar of facts and legal propositions. Therefore it cannot

be said that issues involved in both the cases are same. This case can proceed despite pendency of I.D. Case No. 7/2007 and the present reference by the individual workman pending for adjudication is maintainable being legal and justified. This issue is therefore decided in the affirmative and against the 1st Party-Management.

ISSUE NO. 2

9. The onus to prove that the 2nd Party-workman has completed one year or 240 days of continuous service during a period of 12 calendar months preceding the date of his alleged termination or disengagement from service lies on him, but the 2nd Party-workman has not adduced any evidence either oral or documentary in support of his contention. He has only alleged in his statement of claim that he was appointed in November, 1985 and worked till 30-9-2004 on temporary, casual or daily wage basis, but he has not filed any certificate or reliable document showing the break-up of year-wise service rendered by him under the 1st Party-Management during the above period. The 1st Party-Management on the other hand, has alleged that the 2nd Party-workman was engaged intermittently on temporary/daily wage basis due to exigencies of work and he had never completed 240 days continuous service in a calendar year. M.W.-1 Shri Purna Chandra Behera in his statement before the Court has stated "that the disputant was working intermittently for few days in our branch on daily wage basis in exigencies. He had not completed 240 days of continuous and uninterrupted service preceding the alleged date of the termination". He has denied the allegation that the workman was discontinued with effect from 30-9-2004, but stated that "the workman left the branch from working since May, 1987". Thus he had never worked after May, 1987. The 2nd Party-workman has to disprove the evidence led by the 1st Party-Management, but he has not come before the Court to give evidence. A temporary or daily wage worker has no right to claim reinstatement and particularly when such an employee had not worked for 240 days continuously during the period of 12 calendar months preceding the date of his alleged termination as per provisions of Section 25-F of the Industrial Disputes Act, 1947. Therefore, it cannot be said that the services of the 2nd Party-workman were terminated without complying the provisions of the Industrial Disputes Act, 1947. This issue is thus decided against the 2nd Party-workman for failing to prove that he had worked for 240 days continuously during the period of 12 calendar months preceding the date of his disengagement or alleged termination from service.

ISSUE NO. 3

10. Since the 2nd Party-workman could not prove that he had rendered 240 days continuous service under the 1st Party-Management during the period of 12 calendar months preceding the date of his disengagement or alleged

termination, he is not entitled for re-employment. Moreover, he was a temporary/casual/daily wage employee. His services can be terminated at any time without assigning any cause by the 1st Party-Management. He has no legal right to be retained in service for the extended period, if he was appointed for a certain period or when no time is specified. The 2nd Party-workman has not filed any letter of appointment or proof of having rendered service under the 1st Party-Management for a specified period against a regular post. The 1st Party-Management has further alleged that in time of exigencies only the 2nd Party-workman was employed. It means that with the end of exigencies his job also came to an end. In view of the matter the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Ajay Kumar Das with effect from the alleged date of his termination is fair, legal and justified and cannot be said to be in contravention of the provisions of the Industrial Disputes Act, 1947. This issue is accordingly decided in the affirmative and against the 2nd Party-workman.

ISSUE NO. 4

11. In view of the findings recorded above under Issue No. 2 and 3 the 2nd Party-workman is not entitled to any relief whatsoever claimed.

12. Reference is answered accordingly.

Dictated and Corrected by me.

JITENDRA SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जनवरी, 2012

का.आ. 574.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 23/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 12-1-2012 को प्राप्त हुआ था।

[सं. एल-12012/13/2009-आई आर(बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 12th January, 2012

S.O. 574.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 12-1-2012.

[No. L-12012/13/2009-IR(B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/23/2009 Date : 29-12-2011

Party No. 1 : The Asstt. General Manager,
State Bank of India, Region-II,
Zonal Office, S.V. Patel Marg, Post Box
No. 37, Nagpur.

Versus

Party No. 2 : Shri D. N. Ingle,
R/o Dal Oli No. 1, Near Hanuman
Mandir, At & PO : Kamptee,
Distt. Nagpur.

AWARD

(Dated : 29th December, 2011)

The Central Government, in exercise of the power conferred by the Clause (d) of sub-section (1) and sub-section (2-A) of the Industrial Disputes Act, 1947 (The "Act" in short) has referred the industrial dispute between the employers, in relation to the management of State Bank of India and their workman, Shri Devidas Narayan Ingle for adjudication as per letter No. L-12012/13/2009-IR (B-I) dated 7-7-2009, with the following schedule:—

"Whether the action of the management of State Bank of India, Warora Branch, in terminating services of Shri Devidas Narayan Ingle, Ex-Security Guard, on the basis of findings of domestic enquiry is justified? If not, what relief is he entitled to?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claims and written statement and in response to the same, the workman, Shri Devidas ("the workman" in short) filed his statement of claim and the management of State Bank of India, ("the Party No. 1" in short) filed their written statement.

3. The workman in his statement of claim without pleading anything about the domestic enquiry or the reason of his termination from service or the perversity of the findings and quantum of punishment, has claimed that he is entitled to get a sum of Rs. 8,60,536 towards salary, besides annual increment and gratuity and interest on the claim amount, with a prayer to direct the Party No.1 for making payment of the same.

4. However, the Party No.1 in its written statement pleaded inter alia that the workman came to be appointed as an Armed guard on 16-2-1990 at Mahal Branch, Nagpur and was confirmed in service w.e.f. 16-8-1990 and by order dated 14-8-2004, the workman was transferred to Warora Branch in Chandrapur district and while working as the Armed guard at Warora Branch from August, 2004 to 5-8-2005, he committed gross misconduct, i.e. in the disguise to help the customers of the Bank in operation of withdrawal of cash from Bank's A.T.M., he fraudulently

himself withdrew cash from the ATM without any authority and knowledge of the customers and the Party No.1 received complaints from various customers and in the interest of the Bank and its customers and the workman it (the management of the Bank) called for the explanation of the workman by letter dated 1-8-2005 and the workman was also placed under suspension w.e.f. 5-8-2005 and the workman submitted his reply on 16-8-2005 and as his explanation was found not to be satisfactory, charge sheet was issued by it against the workman on 18-2-2006 and the workman filed his reply to the charge sheet on 28-3-2006 and the Bank was not satisfied with the reply and as such, decided to hold the enquiry against him and Mr. S.T. Fokmare was appointed as the Inquiry Officer to make the enquiry and the workman availed the services of the experience representative to defend him and the Bank produced various witnesses and documents in support of the charges and the defence representative cross-examined the witnesses at length and thereafter, the Bank and defence made arguments in support of their respective cases and after considering the entire materials on record and the submissions made by both the parties, the Inquiry Officer vide his report dated 29-7-2006 held all the charges to have been proved against the workman and the Disciplinary Authority also after assessing the materials on record independently, came to the conclusion that all the charges against the workman have been proved and on 30-6-2006, the Disciplinary Authority, issued show-cause notice for proposed punishment of dismissal without notice and the workman submitted his show-cause on 30-10-2006 and on 21-11-2006, the workman was heard personally and on 16-3-2007, the final order of removal from service was passed and the workman preferred an appeal against the order of the Disciplinary Authority, but the appeal was dismissed on 16-2-2008 and during the enquiry, all relevant documents and papers were supplied to the workman and full opportunity was given to the workman to defend himself in the enquiry and principles of natural justice were followed in letter and spirit during the enquiry and the findings of the Inquiry Officer are based on materials on record and the punishment imposed is just and proper to the proved serious misconducts of the workman.

5. The workman in his rejoinder has mentioned that false allegations were made against him and for his good and honest work while performing duty with the Party No.1, "Prasastipatra" was given to him and the two witnesses examined by the Bank were asked by the Branch Manager, Shri M.K. Krosiya to depose against him and as per the instructions of the Branch Manager, those two witnesses gave false evidence against him and they have admitted the same in their evidence and they have also admitted of his having no fault in the matter and the Inquiry Officer was not competent to hold the enquiry and without perusal of the record, he submitted his report as per the instructions and pressure of the Branch Manager and five customers had given certificate of his honesty and the enquiry is

biased and unfair and the findings of the Inquiry Officer are perverse and the punishment is not justified and liable to be set aside.

6. It is necessary to mention here that as this is a case of removal from service of the workman after holding of a domestic enquiry, the question of the validity or otherwise of the domestic enquiry was taken for consideration as a preliminary issue and by order dated 31-1-2011, the enquiry was held to be valid, proper and by following the principles of natural justice.

7. During the course of argument, it was contended by the learned advocate for the workman that the findings of the enquiry officer are perverse as the same are based on no evidence and the punishment imposed against the workman is shockingly disproportionate and the bank had issued merit certificate in favour of the workman for his good work and the workman is entitled for reinstatement in service with continuity and back wages.

8. Per contra, it was submitted by the learned advocate for the management that the evidence and documents produced during the enquiry proved beyond doubt that the enquiry officer has rightly come to the conclusion that all the charges have been proved against the workman beyond doubt and the finding are based on the evidence and documents produced during the enquiry and the bank has lost confidence in the workman and the powers of the Industrial Tribunal to interfere in the case of the dismissal of the workman by the management are not unlimited and the Tribunal doesn't act as a court of appeal and substitute its own judgment for that of management and in departmental enquiry, strict rules of evidence are not applicable and if in the departmental enquiry there is some evidence to reasonably support findings of enquiring authority the court would not reverse the findings on the ground of insufficiency of evidence.

In support of such contentions, the learned advocate for the management placed reliance on the decisions reported in 1995 SCC-292 (Govt. of Tamil Nadu Vs. A. Rajapandian), 2005 SCC (L&S)-298 (Bharat Forge Co. Ltd. Vs. Uttam), 1987 (4) SCC-691 (Christian Medical College Hospital Employees Union Vs. CMC Vellore), 1999 LIC 2819 (Bank of India Vs. D. Surjanarayan), 1999 LIC 918 (AEP Council Vs. A. K. Chopra) and many others.

Keeping in view the principles enunciated by the Apex Court in the decisions cited by the learned advocate for the management, now the present case at hand is to be considered.

9. Perused the record including the documents of the departmental proceedings. On perusal of the documents, it is found that the findings of the enquiry officer are based on the evidence adduced in the departmental enquiry. The same are not based on any extraneous materials. The enquiry officer has assessed in the evidence adduced in the enquiry properly and has

assigned cogent reasons in support of his findings. Hence, the findings of the enquiry officer cannot be said to be perverse. This is not a case of no evidence. There is also nothing on record to show that the Enquiry Officer was biased or incompetent to hold the inquiry or that he was pressurized by the Manager of the Bank to give the report against the workman.

So for the punishment is concerned serious misconduct of taking out money of the customers from the A.T.M. fraudulently has been proved against the workman in a properly held departmental enquiry. The punishment imposed against the workman is not shockingly disproportionate to the serious misconduct proved against him and as such, there is no scope for interfering with the order of punishment. Hence, it is ordered:—

ORDER

The action of the management of State Bank of India, Warora Branch, in terminating services of Shri Devidas Narayan Ingle, Ex-Security Guard, on the basis of findings of domestic enquiry is justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 13 जनवरी, 2012

का.आ. 575.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण गोदावरीखन्नी के पंचाट (संदर्भ संख्या 39/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 13-1-2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर (सी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2012

S.O. 575.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 39/2005) of the Industrial Tribunal-cum-Labour Court, Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 13-1-2012.

[No. L-22013/1/2012-IR(C-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI, DIST. KARIMNAGAR (AP)

Present :— Sri M. Syamala Rao, BA, B.L.,
Chairman-cum-Presiding Officer.

Wednesday, the 28th Day of December, 2011

Industrial Dispute No. 39 of 2005

Between :—

SHYAM RAMDAS CHANDEKAR,
S/o Ramdas Chandekar, Badli Filler,
K.K.1 Incline, Qr.No. D-126,
CCC Township, Srirampur,
Luxettipet Tq. Dist. Adilabad (AP).

— Petitioner.

And

1. The Colliery Manager,
S.C. Co. Ltd., K.K. 1 Incline,
Mandamarri, Dist. Adilabad (AP).
2. The General Manager,
S.C. Co. Ltd., Mandamarri Area,
Mandamarri, Dist. Adilabad (AP)

— Respondents.

This Industrial Dispute petition U/Sec. 2-A (2) of I.D. Act, coming on before me for final hearing on 14-11-2011, upon perusing all the documents on record and upon hearing the arguments of Sri S. Bhagavantha Rao, Advocate, for the petitioner and Sri D. Krishna Murthy, Advocate, for the respondents, having stood over for consideration till this date, the court passed the following:—

AWARD

1. This is an Industrial Dispute petition filed by the petitioner U/Sec. 2-A(2) of I.D. Act, 1947 praying this Tribunal to set aside the dismissal order dt. 24-5-2003 passed by the 2nd respondent and direct the respondents to reinstate the petitioner into service with continuity of service and all other attendant benefits along with full back wages.

2. The brief averments of the petition are that the petitioner was appointed as Badli Filler by the respondents under dependent employment scheme as his father was declared medically unfit for further service and he was working to the fullest satisfaction of his superiors ever since his appointment on 16-1-1999.

3. And that the petitioner was given employment in the absentee vacancies of Coal Fillers and he was shown as and when available while so on 3-3-2001 charge sheet was issued to him alleging absenteeism during the year 2000. A farce of enquiry was conducted and he was illegally dismissed from service by the 2nd respondent vide Proc., dt. 24-5-2003 and it is highly arbitrary, unjust and illegal.

4. And that the petitioner was suffering from chest pain. He met with mine accident at KK.1 Incline. He faces several problems, one of his sisters was mentally retarded and upset. He was compelled to take her to Wardha for medical treatment. The petitioner was also compelled to undergo treatment for himself in the hospitals. He participated in the enquiry and gave detailed deposition explaining his genuine problems, but they were not at all considered by the respondents.

5. And that in spite of the above acute problems, the petitioner admittedly worked for 83 days during the year 2000 as against the minimum 100 days stipulated by the respondents company. Being Badli Filler the petitioner was denied work by the respondents several times for want of absentee vacancies of Coal Filler. They were unjustly treated as absent.

6. And that the capital punishment of dismissal from service is shockingly disproportionate and not at all commensurate with the gravity of charges. The medical treatment documents filed by the petitioner before the enquiry officer and the respondents proves his genuine problems. There is sufficient cause for the alleged absence. Therefore it cannot be termed as misconduct warranting the extreme punishment of dismissal from service. And he is sole bread winner for his entire family consisting of 2 sisters, one brother, old aged mother and medically unfit father. Due to illegal dismissal from service the petitioner is facing lot of hardship and misery to eke out the livelihood. Therefore prays for the relief as above.

7. The respondent No. 2 filed his counter denying all the allegations in the petition putting the petitioner to strict proof of all those allegations. The 1st respondent filed a memo adopting the counter filed by R-2.

8. The brief averments of counter of R-2 are that the respondents' company is a Government Company incorporated under the provisions of Company's Act, 1956 for carrying out the business of winning and selling the coal and since the coal mining industry is a central subject, the appropriate Government for this respondent/management is Central Government. As per Sec. 7(a)(i) of I.D. Act, the appropriate Government may by notification in the Official Gazette constitutes one or more Industrial Tribunals for the adjudication of Industrial Disputes relating to any matter whether specified in the 2nd or 3rd schedule and for performing such other functions as may be assigned to them under this Act. And that the Central Government established an Industrial Tribunal-cum-Labour Court at Hyderabad from 29-12-2000 for adjudication of Industrial Disputes and the petitioner ought to have approached the said Tribunal for the redressal of grievances if any. But he conveniently avoided to file his petition before the Tribunal established by the Central Government for the reasons best known to him and the petition is not maintainable under law and the same may be dismissed on this ground alone and the court may be decided the maintainability of the dispute as a preliminary issue before proceeding with the trial.

9. The petitioner failed to exhaust a conciliation procedure as laid down in the I.D. Act and filed the present petition before this Tribunal U/Sec. 2(A)(2) of I.D. Act, 1947 as amended by A.P. Amendment Act, 1987 (Act No. 32/87). And that as the appropriate Government for coal mining industry is the Central Government, the State Amendment Act is not applicable to the respondents' company and the

petition filed by the petitioner is not maintainable under law and is liable to be dismissed in limine.

10. And that the petitioner was appointed as Badli Filler on 6-8-1999 and that he worked only for 83 days during the year 2000 and remained absent for the other days in that year. He was issued with a charge sheet dt. 3-3-2001 for his unauthorised absenteeism under Clause No. 25.25 of the approved standing orders of the respondent's company. The petitioner after receipt of charge sheet submitted his explanation stating that he was absent due to family problems and chest pain and due to mine accident and he was fully participated in the enquiry and admitted his guilt. He did not choose to cross-examine the management witness. During the enquiry he examined himself as a witness and stated that due to his chest pain and family problems, he failed to attend to his duties and admitted his guilt. He further issued the company that he will be regular in future. In token of his participation in the domestic enquiry the petitioner signed on the enquiry proceedings. And that as charges levelled against the petitioner were proved he was vide letter dt. 3-3-2002 issued with a show cause notice duly enclosing therewith a copy of enquiry report and enquiry proceedings and advised him to submit his representation, if any, against the findings of the enquiry report.

11. And that the petitioner vide his application dt. 25-6-2002 requested the respondent/management to give opportunity to improve his filling attendance and performance. He also assured in the above letter that he will put-in 22 filling musters every month and fill 2 tubes for muster and if he fails to do so, the management may take disciplinary action against him. He also assured that he will not file any mercy petition and will not approach any court of law for any sort of redressal in this matter.

12. And that the petitioner was given an opportunity as well his request and vide letter dt. 7-7-2002 he was advised to work for 3 months for observation duly keeping the disciplinary action in pending. And that his performance for the period from 1-8-2002 to 31-10-2002 was reviewed and he was given one more chance of 3 months period from 1-11-2002 to show his improved performance vide letter dt. 14-11-2002.

13. And that the petitioner failed to improve his performance in spite of giving him opportunity twice. He attended only 89 days in the year 1999; 83 days in the year 2000 and did not attend for even a day during the year, 2001; attended 74 days in the year 2002 and failed to attend even one day in the year 2003. His above performance and attendance shows that he is not interested in his employment. He even failed to improve his performance during the 6 months observation period. Hence the services of the petitioner were terminated vide order dt. 24-5-2003 w.e.f. 3-6-2003.

14. And that on 1-8-2000 in the 2nd shift the petitioner met with a mine accident and was referred to respondents'

hospital. As it was not a serious accident he worked from 2-8-2000 onwards. He did not produce any documentary proof during the enquiry to show that he got treated his sister at Wardha. As the reasons shown by the petitioner for his absence during the year 2000 is not supported by any documentary evidence and the same were not considered by the enquiry officer.

15. And that the petitioner is supposed to work for 190 days in the year, but attended only for 83 days in the year 2000. Since the petitioner was a Badli filler, he was provided with the work regularly and there was no occasion for the petitioner to return without work and he never worked 190 days in any year from the date of his appointment which clearly shows his uninterest in the employment.

16. And that the respondent company is doing the business of winning and selling of coal by employing more than 90 thousand persons and if the employees habitually abstained/absconded from their duties, the required production/planned production targets will not be achieved resulting in huge losses to the respondents' company. To avoid this contingency the respondent company incorporated the absenteeism as one of the acts of misconduct which is approved by the Central Government in accordance with the procedure laid down in the Industrial Employment (Standing Orders) Act, 1946. And that the petitioner concealing all the above facts filed his petition for reinstatement into employment with back wages, with continuity of service etc. Therefore prays to dismiss the petition in the ends of justice. Hence, the respondent company suffers irreparable loss.

17. Basing on the above pleadings a preliminary issue was framed as follows:—

“Whether the farce of enquiry was conducted and it is highly arbitrary, unjust and illegal”?

And it was settled that the domestic enquiry conducted is legal, proper valid and binding on the parties.

18. No witnesses are examined on either side, but Ex. W-1 is marked on behalf of the petitioner and Ex. M-1 to M-12 are marked on behalf of the respondents.

19. Heard both sides, perused the material papers on record.

20. Now the points that arises for consideration are:—

- (1) Whether dismissal of the petitioner from service is arbitrary, unjust and illegal?
- (2) Whether the petitioner is entitled for the relief prayed for?
- (3) If not to what relief the petitioner is entitled?

21. POINT NO.1 and 2:—

It is the case of the petitioner that a farce enquiry was conducted and he was illegally dismissed from service

by the 2nd respondent vide his Ref., dated 24-5-2003 and is highly arbitrary, unjust and illegal. Further that the capital punishment of dismissal from service is shockingly disproportionate and not at all commensurate with the gravity of charges and also that the medical treatment documents filed by him before the enquiry officer and the respondents proves his genuine problems and there is sufficient cause for the alleged absence of the petitioner. Therefore, it cannot be termed as misconduct warranting the extreme punishment of dismissal from service.

22. So, as per the above pleadings it is the burden of the petitioner that the dismissal order is illegal, arbitrary, unjust and the punishment of dismissal from service is shockingly disproportionate with the gravity of charges and it cannot be termed as misconduct.

23. Before the enquiry a preliminary issue was framed as

“Whether the farce of enquiry was conducted and it is highly arbitrary, unjust and illegal”

This preliminary issue was settled as the domestic enquiry conducted is legal, proper, valid and binding on the parties.

24. Ex. W-1 is the served copy of the dismissal order dt. 24-5-2003. The original is marked as Ex. M-11.

25. Ex. M-1 is the charge sheet. The charge framed against him is that it is noticed from the records that the petitioner has remained absentee from duties in the following dates without sanctioned leave or sufficient cause.

Month & Year	Absents/dates of absence
January 2000	5 to 11,12
February 2000	1, 2, 3, 7 to 22, 24
March 2000	7
April 2000	3 to 22, 26 to 30
May 2000	5 to 11, 13, 19, 20, 26
June 2000	1, 2, 3, 8, 14, 16, 17, 20, 21, 22, 24, 29, 30
July 2000	1 to 4, 10 to 12, 24, 26, 27
August 2000	5 to 31
September 2000	1 to 30
October 2000	3 to 31
November 2000	1 to 30
December 2000	1 to 30

26. And that the above action amounts to misconduct under company's standing orders Nos 25(25). The petitioner was asked to submit his written explanation within 4 days from the date of receipt of this charge sheet. The petitioner has not submitted any explanation to the charge sheet as seen from the records marked by either side. Thereafter enquiry notices were sent to the petitioner

under Ex. M-3 only. Under Ex. M-4 enquiry was conducted. During the enquiry the petitioner pleaded guilty of the charge sheet. During the enquiry statements of J.Rajam, D.V. Prasada Rao were examined on behalf of the respondent and the petitioner himself is examined as a witness. So basing on this enquiry proceedings, the enquiry officer submitted enquiry report under Ex. M-5 by holding guilty of misconduct under company's standing orders 25(25) as levelled against the petitioner under the charge sheet.

27. The respondent No. 2 after perusal of the enquiry report, issued show cause notice under Ex. M-6. The petitioner submitted his representation under Ex. M-7 by assuring the respondents that he will put in 22 filling musters every month and fill 2 tubs and more per muster hereafter and he failed to do so. Management may take disciplinary action against him and in such event, he will not come forward with another mercy petition. He also assured that he will not approach any court of law for any sort of redressal in this matter. Considering the said assurance, the respondent under Ex. M-8 kept the disciplinary proceedings/action in abeyance temporarily and gave the petitioner a chance to fulfill his assurances. The petitioner received the same under Ex. M-9. Under Ex. M-10, the respondents again gave another 3 months period to the petitioner to fulfill his assurances. In spite of giving chances under Ex. M-8 and M10 the petitioner could not fulfill his assurances given to the management. As such the respondents under Ex. M-11 taken the action basing on the enquiry report dismissed the petitioner from service.

28. From the above documentary evidence it can be understood that even after the charges are held to be proved against the petitioner, the respondent did not take immediate action against him and kept the action under abeyance and gave a chance to the petitioner twice to fulfill his assurances given to the management. In spite of the said 2 chances, the petitioner could not fulfill his assurances. Then only the respondents were inclined to take action by dismissing the petitioner from service basing on the enquiry report holding the charge levelled against the petitioner are proved.

29. The respondent has not filed any documents to prove the medical treatment said to have been taken by him and his sister in private hospital. Moreover there is no proof to show that the petitioner filed before enquiry officer such medical treatment documents to prove that there was a sufficient cause for his alleged absence from duty unauthorisedly without any prior sanction.

30. So the above documentary evidence clearly shows that the order of dismissal from service is legal. Even after giving 2 chances to the petitioner to improve his work and even after receiving the enquiry report holding the charges levelled against the petitioner are proved, the petitioner failed to improve his work and also failed to keep up his promise. So, there cannot be any ground to interfere with the findings of the respondents in taking action against

the petitioner by dismissing him from service under Ex. M-11 for his unauthorized absenteeism during the period covered by the charges i.e., from January, 2002 to December, 2002. Then the petitioner is not entitled for the relief prayed by him. The points are answered accordingly.

31. POINT NO. 3:—

In view of my findings on Point Nos. 1 & 2, I hold that the petitioner is not entitled for any relief. As such, the I.D., is dismissed. In the circumstances, without costs.

Typed to my dictation directly by Typist, corrected and pronounced by me in the open court on this, the 28th day of December, 2011.

M. SYAMALA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses Examined

For workman	For Management
-Nil-	-Nil-

EXHIBITS

For workman:—

Ex.M-1 Dt. 24-5-2003	Dismissal order
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For Management:—

Ex. M-1 Dt. 03-03-2001	Charge sheet office copy
Ex. M-2 Dt. 16-01-2002	Explanation to the charge sheet
Ex. M-3 Dt. 6/19-1-2002	Enquiry notice
Ex. M-4 Dt. 19-01-2002	Enquiry proceedings
Ex. M-5 Dt. 29-01-2002	Enquiry report
Ex. M-6 Dt. 03-03-2002	Show cause notice
Ex. M-7 Dt. 25-06-2002	Representation of petitioner
Ex. M-8 Dt. 07-07-2002	Letter issued to the petitioner by the respondent that infirming disciplinary action is temporarily kept in abeyance and 3 months observation period
Ex. M-9 Dt. 15-07-2002	Ack., to the respondent's letter dt. 7-7-2002
Ex. M-10 Dt. 14-11-2002	Letter issued to the petitioner informing that further observation period of 3 months
Ex. M-11 Dt. 24-05-2003	Dismissal order
Ex. M-12 Dt. 03-06-2003	Office copy of name removal letter

नई दिल्ली, 13 जनवरी, 2012

का.आ. 576.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 43/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 13-1-2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर (सी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2012

S.O. 576.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, received by the Central Government on 13-1-2012.

[No. L-22013/1/2012-IR(C-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur,
Presiding Officer

Dated the 12th day of December, 2011

Industrial Dispute No. L.C. 43/2006

Between :

Sri Gorrepalli Peddamalliah,
S/o Kistaiah,
C/o Smt. A. Sarojana,
Advocate, Flat No. G-7,
Rajeshwari Gayatri Sadan,
Opp. : Badruka Girls Jr. College,
Kachiguda, Hyderabad.Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Srirampur (P) Area,
Srirampur. Adilabad district.
2. The Colliery Manager,
1 K -1A incline,
M/s. Singareni Collieries Company Ltd.,
Srirampur. Adilabad district.Respondents

Appearances :

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : Sri M. Shankar Narayan, Advocate

AWARD

Sri Gorrepalli Peddamallaiah has filed this petition under Sec. 2 A (2) of the I.D. Act to set aside the dismissal order dated 2-12-2002 issued by Respondent No.1. Petition was numbered in this Court as L.C.I.D. No. 43/2006 and notices were issued to the parties.

2. It is submitted by the Petitioner in his claim petition that he was appointed as badli filler on 12-7-1976 and confirmed as regular worker. A charge sheet dated 15-3-2002 was issued alleging habitual absence without sanctioned leave or sufficient cause during the period from January to December, 2001. After a formal enquiry Petitioner was dismissed vide proceedings dated 2-12-2002 which is illegal, arbitrary, violative of principles of natural justice. Hence, this petition.

3. Respondent Management has filed counter statement stating therein Petitioner was appointed as badli filler on 12-7-1976 and upon his request he was drafted as general mazdoor. He was issued with a charge sheet dated 15-3-2002 for his absenteeism during the year 2001. Petitioner did not submit explanation to the charge sheet. Petitioner had fully participated in the enquiry. Enquiry was conducted duly complying with the principles of natural justice. A show cause notice was also issued to Petitioner giving opportunity to make representation against the findings of the Enquiry Officer but Petitioner did not utilize the same as such, he was dismissed vide proceedings dated 2-12-2002. Management is right in terminating the services of an unauthorized absentee in view of case law held by Hon'ble Supreme Court in State of U.P. and others Vs. Ashok Kumar Singh and another in 1996 (1) SCC 302. Enquiry Officer has given his finding placing reliance on the material placed before him by the management and no fault can be find in the enquiry report, it is based on evidence and Petitioner's dismissal order is not disproportionate to the misconduct committed by him since Petitioner was not regular to his duties company has dismissed him which is neither illegal nor invalid.

4. Parties were directed to file their respective evidence. Petitioner has filed copies of representation, show cause notice, dismissal order. Respondent has filed charge sheet, enquiry notice, enquiry proceeding, enquiry report and dismissal order etc.

5. Before entering into the merits of the case the question of legality and validity of the domestic enquiry was to be considered. On 29-4-2009 Petitioner's counsel has moved memo not to challenge the legality and validity of the enquiry as such, it is held to be legal and valid. Case

is fixed for arguments under Sec. 11 (A) of the Industrial Disputes Act, 1947.

6. On 31-8-2010 Petitioner's counsel informed that workman expired and he will file LR's petition. After several adjournments, on 12-12-2011 counsel for the Petitioner stated before this Tribunal that LR's are not interested to pursue the case. In light of the statement of the Petitioner's counsel, case is dismissed for non-prosecution. Petitioner is not entitled for any relief.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 12th day of December, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 13 जनवरी, 2012

का.आ. 577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 118/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-1-2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर (सी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2012

S.O. 577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 118/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government of 13-1-2012.

[No. L-22013/1/2012-IR(C-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

Present : Shri Ved Prakash Gaur,
Presiding Officer

Dated the 19th day of December, 2011

Industrial Dispute L.C. No. 118/2006

Between :

Sri Parlapally Ravinder,
S/o Durgaiah,
C/o Smt. A. Sarojana,
Advocate, Flat No. G-7,
Ground Floor, Rajeshwari Gayatri Sadan,
Opp. : Badruka Jr. College for Girls,
Kachiguda, Hyderabad.

....Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area,
Mandamarri, Adilabad district.
2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
K K.5 Incline, Adilabad district Respondents

Appearances :

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A. V.V.S. Sarma & Vijaya Lakshmi Panguluri, Advocates

AWARD

Sri Parlapally Ravinder, Petitioner workman, ex. employee of M/s. Singareni Collieries Company Ltd., has filed this petition under Sec. 2 A (2) of the I.D. Act, 1947 for setting aside the order dated 13-5-2001 by which his services were terminated and for reinstatement in the service with all consequential benefits.

2. It has been stated by the Petitioner that he was initially appointed as badli filler on 16-2-1992 and later he was regularized as coal filler w.e.f. 1-9-1995. While so, a charge sheet dated 12-6-2000 was issued to him alleging therein that Petitioner was habitually absent from duty without sufficient cause during the year 1999 which amounted to misconduct under company's Standing Orders No. 25.25 and 25.31. Consequently an enquiry was conducted, proceeding was issued to the Petitioner dated 26-11-2004 stating therein that charge sheet was sent to the Petitioner's house, same was acknowledged by the Petitioner, advising the Petitioner to attend for enquiry and that as the Petitioner

did not attend enquiry on the scheduled date, ex parte enquiry was conducted and he was dismissed from service.

3. It has further been alleged that Petitioner remained absent due to mental disorder for which he underwent treatment in his native village. Petitioner was not informed about issuance of charge sheet and other proceedings. Even if he was informed he was not in a position to understand and participate in the enquiry. No reasonable opportunity was given to the Petitioner. Colleagues of Petitioner used to inform the authorities about mental illness of Petitioner from time to time. Report of the Enquiry Officer is outside the scope of the charge sheet. Enquiry was not conducted in fair and proper manner. He challenged the enquiry proceeding, order of dismissal alleging that it is arbitrary, unjust, disproportionate and illegal and hence, he has filed this petition. He prayed for indulgence of this court to modify the punishment of dismissal to that of any lesser punishment.

4. Management has filed counter statement alleging therein that Petitioner remained absent throughout year 1999 but for 22 days which hampered the working of the company, the absence of the Petitioner was without any sufficient cause which is grave misconduct within the Standing Orders 25.25 and 25.31 of the company and dismissal is not bad in the light of the case law reported in 1996(1) SCC 302 State of U.P. and others Vs. Ashok Kumar Singh. It is stated that Petitioner's services prior to 1999 was also not satisfactory he used to remain absent during the years 1998, 1999, 2000 and 2001 also. The Petitioner put in 106 musters in 1998, 22 in 1999, 'Nil' musters during the years 2000 and 2001 whereas he is required to put in 190 musters in a year. He was issued with a charge sheet for his unauthorized absence, enquiry was conducted on the matter of charge sheet issued to him. There is no information regarding his mental illness to the Respondent management as alleged by him. Three enquiry notices were issued to him, he has received all but failed to attend enquiry despite receiving all the three notices as such, Enquiry Officer has no other option but to conduct ex parte enquiry. Enquiry Officer has submitted his report, show cause notice was given to the Petitioner for his objections if any on the enquiry report, through registered post, he received the same but did not choose to submit any representation against the enquiry report as such, he was dismissed from service. No illegality or irregularity has been committed in conducting the enquiry. Management has no other option but to dismiss the Petitioner from service. Under item No. 4 of Memorandum of Settlement a High Power Committee headed by Director (P A & W) will examine the cases of workmen, dismissed on account of absenteeism during the period 1-1-2000 to 30-6-2004 for considering reappointment and through circular No. CRI/PER/IR/S/532/1729 dated 19-10-2004 it was advised to submit applications on or before 30-11-2004. In response, 54 ex-workmen made applications for review including Petitioner but Committee

did not consider the case of Petitioner for reappointment. The order is fully justified, it cannot be said to be disproportionate to the misconduct committed by the Petitioner neither it is shocking to the conscience of a prudent man. Petition has no merits as such, this petition be dismissed.

5. Parties were directed to file their evidence. Petitioner has filed copies of office order dated 13-5-2001 and proceeding dated 21-4-2005. Management has produced documents relating to enquiry proceeding charge sheet, acknowledgement of the Petitioner for receipt of the charge sheet, enquiry notice, enquiry proceedings, enquiry report, 7 days notice, and dismissal order dated 13-5-2001.

6. During course of this proceeding on 6-3-2009 Learned Counsel for the Petitioner moved memo conceding the validity and legality of the domestic enquiry which was held to be legal and valid on the basis of the memo. Thereafter both the parties were heard under 11(A) of the Industrial Disputes Act, 1947 and I have also gone through the written arguments of both parties.

7. It has been argued by the Learned Counsel for the Petitioner that the Petitioner was not imposed with any penalty previously. Petitioner's absence was not willful or wanton because the Petitioner was suffering from ill-health and family problems and that was the reason he remained absent during the year 1999. The factum of the illness of the charge sheeted workman has not been considered by the Enquiry Officer thus the finding of the Enquiry Officer is perverse and prejudicial, the order of dismissal on the basis such a lopsided and prejudicial finding is arbitrary, illegal and unsustainable in law.

8. Against this contention of the Learned Counsel for the Petitioner Learned Counsel for the Respondent has argued that the Petitioner has not submitted any explanation against the charge sheet issued to him though he has received the charge sheet and domestic enquiry was conducted in the matter. Enquiry notice was given to the Petitioner. In the charge sheet it was mentioned that Petitioner has put in only 22 musters in the year 1999. The Petitioner did not participate in the enquiry proceeding. He has stated in his claim petition that due to mental disorder he could not perform his duty as he was undergoing treatment at his native place. He was not aware of the issuance of charge sheet and other proceedings. Though he has received charge sheet, enquiry notices, he remained absent on the date of enquiry as such, basing on the facts available on record and on the basis of the evidence produced by the management the Enquiry Officer correctly arrived at a conclusion that Petitioner was a habitual absentee. He has put in 106 musters during the year 1998 and 22 musters only in the year 1999 without any reasonable or proper cause. Thus, the imposition of punishment of dismissal is adequate and proper. It is not disproportionate to the misconduct committed by the workman. The punishment order is neither illegal nor arbitrary nor

disproportionate. As such, no interference is required in the order of dismissal.

9. I have considered the above argument and I have also gone through the claim statement, counter statement and material placed by the parties in proof of the misconduct committed by the Petitioner.

10. This tribunal has to consider the following points:—

- I. Whether the finding of the Enquiry Officer is perverse and it is not based on any evidence?
- II. Whether the punishment imposed by the Respondent management is disproportionate to the misconduct committed by the Petitioner? and
- III. Whether Petitioner is entitled for any relief if so to what?

FINDING

11. **Point No. I :** It is admitted fact that Petitioner remained absent but for 22 days during the year 1999. Petitioner has not given any plausible explanation for putting only 22 musters in 1999. Petitioner has not submitted his explanation to the charge sheet issued to him, he simply stated that it is his first mistake and he be excused. The enquiry was conducted but Petitioner did not participate in the enquiry proceeding though due notices were given to him he acknowledged the receipt of notices as well. Statement of Sri Tekumatl Posham, General Mazdoor was recorded wherein he has stated that he has called the name of Sri Parlapalli Ravinder, Coal filler on 27-10-2000 at 8.30 AM, accordingly he has called the name of Sri Parlapalli Ravinder but none responded so, he reported the Enquiry Officer that Sri P. Ravinder was not present. Statement of Sri N. Narsing Rao, Spl. Grade Clerk was recorded wherein he has stated that three enquiry notices were sent to the Petitioner by RP AD which were acknowledged by the Petitioner but no communication was received in reply to the charge sheet or enquiry notice from Petitioner. Statement of Sri L. Venkateswarlu, Spl. Grade Clerk during enquiry proceeding shows that Petitioner remained absent without sanctioned leave or sufficient cause. In absence of Petitioner Enquiry Officer has no option but to conduct an ex-parte enquiry. Postal acknowledgements of registered post acknowledgement due letters, paid paysheets, attendance register in Form-C, register of leave etc., produced by the management before the Enquiry Officer proved the charges against Petitioner. The Enquiry Officer has arrived at the conclusion from the evidence of Respondent witnesses in absence of any supporting material from Petitioner's side, he arrived at conclusion that Petitioner remained absent without proper and valid cause and concluded that guilt against the Petitioner is proved. Thus, the finding of Enquiry Officer is neither perverse nor prejudicial. It is based on material placed before Enquiry Officer by the parties and this tribunal is also of the opinion that the finding of the

Enquiry Officer is fully justified and valid.

12. Petitioner' absence for 1999 is fully proved. Though he has stated in his claim statement that he remained absent due to the mental illness but he has not proved before the Enquiry Officer as he remained absent on the date of enquiry, as such, he has not filed any paper or material even before this Tribunal in support of his alleged mental disorder thus, the record and evidence shows that Petitioner remained absent in the year 1999 except 22 musters without any reason or sufficient ground. Moreover, he has put in only 106 musters during 1998, Nil musters in the years 2000 and 2001, as such, his attendance proves that Petitioner is habitual absentee and his absence during that period was neither reasonable nor for sufficient ground. Thus, the finding of the Enquiry Officer that Petitioner was a habitual absentee and he has committed misconduct under company's Standing Orders 25.25 and 25.31 is based on material available before him. Learned Counsel for the Petitioner has conceded the enquiry conducted as legal and valid which implies that Petitioner is accepting that there is no perversity or illegality or non-infirmity in the finding of the Enquiry Officer and this tribunal is of the opinion that Petitioner's absence during the year 1999 was without any reasonable or proper cause. Thus, Petitioner's conduct shows that he is habitual absentee, thus, Point No. I is answered accordingly.

13. **Point Nos. II & III :** From the material available on the record it is proved that Petitioner not only absented in the year 1999 but he also did not put in sufficient musters during the years, 1998, 2000 and 2001, in that case the management was left with no other option but to dismiss the Petitioner from service, the punishment imposed by the management is adequate and appropriate. It is neither disproportionate nor it can be said to be shocking to the conscience of a reasonable man. I think there is no justification for interference with the punishment imposed by the management, the Petitioner does not deserve any sympathy from this tribunal. Petitioner is not entitled for any relief. Petition is dismissed, Point Nos. II & III are answered accordingly.

17. From the above discussion, this tribunal is of the opinion that Petitioner is not entitled to any relief. Petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 19th day of December, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

Witnesses examined
for the Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 13 जनवरी, 2012

का.आ. 578.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 13/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 13-1-2012 को ग्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर(सी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2012

S.O. 578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government of 13-1-2012.

[No. L-22013/1/2012-IR(C-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

Present :—Shri Ved Prakash Gaur,
Presiding Officer

Dated the 15th day of December, 2011

Industrial Dispute L.C. No. 13/2007

Between :

Sri Earnam Jaya Raju,
S/o Israil,
C/o Smt. A. Sarojana,
Advocate, Flat No. G7,
Ground Floor, Rajeshwari Gayatri Sadan,
Opp. : Badruka Jr. College for Girls,
Kachiguda, Hyderabad. ... Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Kothagudem Area,
Kothagudem, Khammam district.

2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
PVK No. 5 Incline, Kothagudem Area,
Kothagudem. ... Respondents

Appearances :

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates.

For the Respondent : M/s. P.A. V.V.S. Sarma & Vijaya Lakshmi Panguluri, Advocates.

AWARD

Sri Eamam Jaya Raju, Petitioner workman, ex. employee of M/s. Singareni Collieries Company Ltd., has filed this petition under Sec. 2A(2) of the I.D. Act, 1947 for setting aside the order dated 5-8-2003 by which his services were terminated and for reinstatement in the service with all consequential benefits.

2. It has been stated by the Petitioner that he was initially appointed as badli filler on 15-3-1976 and later he was promoted as coal filler in the year 1977. Since he suffered from ill-health and other family problems he could not attend to his duties in the year 2002. A charge sheet dated 31-3-2003 was issued to him alleging therein that Petitioner has put in only 98 musters during the entire period of 2002 which amount to misconduct under company's Standing Orders No. 25.25 and 25.31. Consequently an enquiry was conducted with a pre-determined notion. It has further been alleged that during course of enquiry, proper opportunity was not given to the Petitioner. Enquiry was conducted lopsided and Enquiry Officer submitted his report on erroneous materials. Show cause notice was issued to the Petitioner dated 27-6-2003 and by order dated 5-8-2003 the services of the Petitioner were terminated from 3-10-2003.

3. It has further been alleged that Petitioner remained absent due to sickness and he could not attend to his duty. He could not inform his absence to his superiors. The order of dismissal is without application of the mind. No reasonable opportunity or was given to the Petitioner during enquiry proceeding. Witnesses were not examined in the presence of the Petitioner. Enquiry was not conducted in fair and proper manner. He challenged the enquiry proceeding, order of dismissal alleging that it is arbitrary, unjust, disproportionate and illegal and hence, he has filed this petition.

4. Management has filed counter statement alleging therein that Petitioner remained absent throughout year 2002 but for 98 days which hampered the working of the company, the absence of the Petitioner was without any sufficient cause which is grave misconduct within the Standing Orders 25.25 and 25.31 of the company and dismissal is not bad in the light of the case law reported in 1996(1) SCC 302 State of U.P. and others Vs. Ashok Kumar Singh. It is stated that Petitioner's services prior to 2002 were also not satisfactory he used to remain absent during

the years 2000, 2001 and in 2003 also. The Petitioner put in 143 musters in 2000, 163 in 2001, 98 musters in 2002 and only 63 musters in 2003 whereas he is required to put in 190 musters in a year. He was issued with a charge sheet for his unauthorized absence, enquiry was conducted on the matter of charge sheet issued to him. Petitioner participated in enquiry. He was given fair and full, proper opportunity and on the basis of the evidence of the management, charges were found to be proved by the Enquiry Officer. Enquiry Officer has submitted his report, show cause notice was given to the Petitioner for his objections if any on the enquiry report, through registered post but no explanation was submitted by the Petitioner. As such he was dismissed from service, No illegality or irregularity has been committed in conducting the enquiry. Management has no other option but to dismiss the Petitioner from service. The order is fully justified, it can not be said to be disproportionate to the misconduct committed by the Petitioner neither it is shocking to the conscience of a prudent man.

5. Parties were directed to file their evidence.

6. Petitioner has filed enquiry proceeding book in 5 pages, report of Enquiry Officer in three pages and dismissal order in two pages.

7. Management has produced documents relating to enquiry proceeding charge sheet, acknowledgement of the Petitioner for receipt of the charge sheet, enquiry notice, enquiry proceedings, enquiry report, 7 days notice, and dismissal order dated 5-8-2003.

8. I have heard Learned Counsels for the parties, I have gone through the evidence produced by both the parties. During course of this proceeding on 29-4-2009 Learned Counsel for the Petitioner moved memo conceding the validity and legality of the domestic enquiry which was held to be legal and valid on the basis of the memo. Thereafter both the parties were heard under 11 (A) of the Industrial Disputes Act, 1947.

9. It has been argued by the Learned Counsel for the Petitioner that the Petitioner's absence was not willful or wanton because the Petitioner was suffering from ill-health and family problems and that was the reason he remained absent during the year 2002. This fact was stated by the Petitioner before the Enquiry Officer which was not challenged by the Presenting Officer hence, the factum of illness was proved by the Petitioner before the Enquiry Officer which has not been considered by the Enquiry Officer. The factum of the illness of the charge sheeted workman has not been considered by the Enquiry Officer thus the finding of the Enquiry Officer is perverse and prejudicial, the order of dismissal on the basis such a lopsided and prejudicial finding is arbitrary, illegal and unsustainable in law.

10. Against this contention of the Learned Counsel for the Petitioner Learned Counsel for the Respondent has

argued that the Petitioner has not submitted any explanation against the charge sheet issued to him though he has received the charge sheet and domestic enquiry was conducted in the matter. Enquiry notice was given to the Petitioner. In the charge sheet it was mentioned that Petitioner has put in only 92 musters in the year 2002. The Petitioner participated in the enquiry proceeding. The charge sheeted employee admitted that he remained absent without any reasonable cause, he voluntarily admitted his guilt and mistakes. He has stated in his claim petition that due to ill-health and family problems he could not perform his duty, however, before the Enquiry Officer Petitioner stated that he was absent due to family problems. No evidence was filed by him in support of his illness or disease or family problems. As such, basing on the own admission of the workman and on the basis of the evidence produced by the management the Enquiry Officer correctly arrived at a conclusion that Petitioner was a habitual absentee he put in only 98 musters during the entire year 2002 without any reasonable or proper cause that Disciplinary Authority has considered the past conduct of the Petitioner that he has put in 143 days in the year 2000, 163 days in the year 2001 and 98 days in the year 2002 and 63 days in the year 2003, when the matter was pending under enquiry, the Petitioner after giving assurance to the higher authority did not put minimum musters of 20 per month. Thus, the imposition of punishment of dismissal is adequate and proper. It is not disproportionate to the misconduct committed by the workman. The punishment order is neither illegal nor arbitrary nor disproportionate. As such, no interference is required in the order of dismissal.

11. I have considered the above argument and I have also gone through the claim statement, counter statement and material placed by the parties in proof of the misconduct committed by the Petitioner.

12. This tribunal has to consider the following points:

- I. Whether the finding of the Enquiry Officer is perverse and it is not based on any evidence?
- II. Whether the punishment imposed by the Respondent management is disproportionate to the misconduct committed by the Petitioner? and
- III. Whether Petitioner is entitled for any relief if so to what?

FINDING

13. **Point No. I :** It is admitted fact that Petitioner remained absent for 190 days during the year 2002. Petitioner has not given any plausible explanation for putting only 98 musters in 2002. Petitioner has not submitted his explanation to the charge sheet issued to him. He simply stated that it is his first mistake and he be excused. The enquiry was conducted, Petitioner participated in the enquiry proceeding. Statement of Sri T. Rambabu, Office Superintendent was recorded in presence of Petitioner who

has stated before the Petitioner that Petitioner remained absent for 190 days during the period January, 2002 to December, 2002 without sanctioned leave or without sufficient cause. Statement of Sri K. Laxminarayana, Spl. Gr. Clerk management witness was recorded, which corroborate with the narration of fact of Presenting Officer. The statement of charge sheeted employee was recorded, he stated that he is admitting his mistake, he remained absent for 190 days during 2002. He stated that due to family problems he could not attend to his duties but he did not support his defence with any documentary or oral evidence as such, it cannot be said that family problems was a genuine reason to remain absent from duty without sanctioned leave and intimation to the superiors. The Enquiry Officer has arrived at the conclusion from the evidence of Respondent witnesses and own admission of the Petitioner, in absence of any supporting material for Petitioner's contention, he arrived at conclusion that Petitioner remained absent without proper and valid cause and concluded that guilt against the Petitioner is proved. Thus, the finding of Enquiry Officer is neither perverse nor prejudicial. It is based on material placed before Enquiry Officer by the parties and this tribunal is also of the opinion that the finding of the Enquiry Officer is fully justified and valid.

15. Petitioner' absence for 2002 is fully proved. Though he stated that he remained absent due to the illness or domestic problems but he has not proved before the Enquiry Officer, he simply stated that due to family problems he remained absent on the dates mentioned in charge sheet as such, the record and evidence shows that Petitioner remained absent for 190 days in the year 2002. Moreover, he has put in only 143 musters during 2000, 163 musters during the year 2001, 98 musters in 2002 and 63 musters in the year 2003, as such, his attendance proves that Petitioner is habitual absentee and his absence during that period is neither based on any reasonable ground or cause. Thus, the finding of the Enquiry Officer that Petitioner was a habitual absentee and he has committed misconduct under company's Standing Orders 25.25 and 25.31 is based on material available before him. Learned Counsel for the Petitioner has conceded the enquiry conducted as legal and valid which implies that Petitioner is accepting that there is no perversity or illegality or non-infirmit in the finding of the Enquiry Officer and this tribunal is of the opinion that Petitioner's absence during the year 2002 was without any reasonable or proper cause. Thus, Petitioner's conduct show that he is habitual absentee, thus, Point No. I is answered accordingly.

16. **Point Nos. II & III :** From the material available on the record it is proved that Petitioner not only absented in the year 2002 but he also did not put in sufficient musters during the year 2000 and 2001, in that case the management was left with no other option but to dismiss the Petitioner from service, the punishment imposed by the management

is adequate and appropriate. It is neither disproportionate nor it can be said to be shocking to the conscience of a reasonable man. I think there is no justification for interference with the punishment imposed by the management, the Petitioner does not deserve any sympathy from this tribunal. As such, he is not entitled for any relief. Petition is dismissed, Point Nos. II & III are answered accordingly.

17. From the above discussion, this tribunal is of the opinion that Petitioner is not entitled to any relief. Petition deserves to be dismissed and it is dismissed. Hence, this award. Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 15th day of December, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 13 जनवरी, 2012

का.आ. 579.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुर्बंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 151/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 13-1-2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर(सी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2012

S.O. 579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 151/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, received by the Central Government of 13-1-2012.

[No. L-22013/1/2012-IR(C-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present:—Shri Ved Prakash Gaur,
Presiding Officer

Dated the 11th day of August, 2011

Industrial Dispute L.C. No. 151/2006

Between :

Sri Mulkala Srinivas,
S/o Ellaiah,
C/o Smt. A. Sarojana, Advocate,
Flat No. G7, Ground Floor, Rajeshwari
Gayatri Sadan, Opp. : Badruka Jr. College
For Girls, Kachiguda,
Hyderabad.

.... Petitioner

AND

1. The General Manager.
M/s. Singareni Collieries Company Ltd.,
Mandamarri Adilabad District.
2. The Colliery Manager/Dy. General Manager,
M/s. Singareni Collieries Company Ltd.,
KK 5 Incline, Mandamarri.
Adilabad District.

.... Respondents

Appearances :

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates.

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijayalaxmi Panguluri, Advocates.

AWARD

This petition under Sec. 2 A (2) of the I.D. Act, 1947 has been filed by Sri Mulkala Srinivas, ex-badli filler to set aside the termination order dated 25-12-1999 and to reinstate the Petitioner workman with full back wages.

2. It is alleged by the Petitioner that he was appointed as badli filler in the year 1997. He was regular to his duties but during the year 1998 the Petitioner suffered with illness and other family problems, as such he could not be regular to his duties. While so, a charge sheet dated 6-8-1998 was issued alleging that the Petitioner was not regular to his duties during the year 1998 which amounts to misconduct under company's Standing Orders No. 25.25. The Petitioner submitted his explanation but the Respondents were not satisfied and ordered for departmental enquiry. The Enquiry Officer conducted the enquiry with pre-determined notion. The enquiry was not valid in nature. The Enquiry Officer submitted his report on the basis of which a show cause notice was issued to the Petitioner against which Petitioner submitted his reply. The Disciplinary Authority did not

consider the submission made by the Petitioner and passed dismissal order on Petitioner w.e.f. 30-12-1999 vide order dated 25-12-1999. The Petitioner was absent due to ill-health and the same was stated by the Petitioner before the Enquiry Officer, no challenge was made from the side of the management as such, the submission made by the Petitioner would have been deemed to be correct but the Enquiry Officer has not considered the submission made by the Petitioner workman. He submitted his enquiry report with a predetermined notion as such, the order passed on such enquiry report is bad and deserves to be quashed. Proper opportunity was not given to the Petitioner in the enquiry proceeding. The action of the Respondents in dismissing the Petitioner from service is illegal, arbitrary, violative of principles of natural justice and hence, be set aside directing the Respondents to reinstate the Petitioner with all consequential benefits etc.

3. Management has submitted his reply alleging therein that Petitioner remained absent for the year 1997 which hampered the working of the company, the absence of the Petitioner was without any sufficient cause which is grave misconduct within the Standing Orders 25.25 of the company and dismissal is not bad in the light of the case law reported in 1996(1) SCC 302 State of V.P. and others vs. Ashok Kumar Singh. Petitioner's contention that he was charge sheeted for absenteeism during the year 1998 is not correct. He was issued with charge sheet for his absenteeism during the year 1997 Petitioner's contention that he was not afforded proper opportunity is incorrect. Due notices were given to the Petitioner to participate in the enquiry proceeding. The notice was acknowledged by the Petitioner, he submitted explanation to the charge sheet and he participated in the enquiry proceeding. Petitioner did not avail the assistance of co-worker though he was given opportunity to take the help of a co-worker. Petitioner did not produce any sickness proof, thus he failed to produce any material before the Enquiry Officer. During the year 1997 he had put in 72 actual musters and remained absent rest of the days. This proves that the Petitioner was not sincere to his work. He intentionally absented himself without any reason or cause. The company has provided medical facilities by establishing hospitals, the Petitioner did not report to the company hospital for his treatment thus, his submission that he was absent due to ill-health is unfounded. Enquiry Officer has given his finding on the material placed before him by the management and no fault can be find in the enquiry report, it is based on evidence and Petitioner's dismissal order is not proportionate to the misconduct committed by him since Petitioner was not regular to his duties company has dismissed him which is neither illegal nor invalid. On submission of his undertaking dated 28-7-1999, assuring that he would put in 22 filling musters every month and fill 2 and more tubs per muster, he was given 3 months observation period from August to October, 1999, but Petitioner had put in 34 musters against total working days of 75. However, he was given one more

opportunity for one month and in this month he worked for 15 days out of 26 working days. Thus, his attendance during observation period of 4 months also was not satisfactory inspite of giving opportunity. Hence, the petition be dismissed as devoid of merits.

4. Parties were directed to produce documentary evidence in support of their claims. Petitioner has filed his representation and dismissal order dated 25-12-1999. However, the Respondent has filed charge sheet and acknowledgement, explanation to charge sheet, entire domestic enquiry proceedings file, show cause notice issued to him, his explanation against show cause notice and dismissal order etc.

5. Coming to the point of the legality and validity of domestic enquiry held by the management it is pertinent to mention that Learned Counsel for the Petitioner moved memo dated 6-7-2009 conceding the validity and legality of the domestic enquiry as such, the domestic enquiry was held to be legal and valid.

6. Both parties submitted written arguments as well as oral arguments. I have heard counsels for the parties and have gone through the claim petition, counter statement and documents and written arguments filed by the parties.

7. It has been argued by the Learned Counsel for the Petitioner that Petitioner was absent due to his ill-health but, he could not produce any other documentary evidence in support of his sickness. He presented himself before the Enquiry Officer and stated before him that he was sick that was the reason that he could not attend to his duties. The Enquiry Officer has not considered this material aspect of the case nor has applied his mind to the fact of the case nor he gave any finding regarding the sickness of the workman, thus, the finding of the Enquiry Officer is perverse and the punishment based on such perverse finding is also illegal and invalid and deserves to be quashed. Against this argument of the counsel for the Petitioner, Learned Counsel for the Respondent management has argued that Petitioner could not produce any proof in support of his sickness nor he has produced any witness in his defence. Moreover, Petitioner has admitted his guilt stating that he remained absent on the dates mentioned in the charge sheet, as such, the enquiry held is neither perverse nor illegal.

8. In view of the arguments, this tribunal has to see,

- (I) Whether the action taken against the Petitioner dismissing him from the services of the Respondent company is legal and justified?
- (II) If not, to what relief the Petitioner is entitled to?

9. **Point No.1:** It is admitted fact that the Petitioner has put in only 72 musters during the year 1997 for which a charge sheet dated 6-8-1998 was issued to the Petitioner against which the Petitioner filed his explanation stating therein that he remained absent due to ill-health. It is also admitted fact that domestic enquiry was conducted and

Petitioner has participated in the domestic enquiry. On the basis of the report submitted by the Enquiry Officer dismissal order has been passed against the Petitioner. Petitioner's statement was recorded by the Enquiry Officer during the course of the enquiry wherein he stated that he worked for 72 days and remained absent for the rest of days due to health problem. But he has not been able to provide single document before the Enquiry Officer to substantiate his sickness. In his reply dated 30-10-1998 he has not mentioned from what sickness he suffered from and from where did he took treatment. He simply written that he could not perform his duty due to his suffering from ill-health. As against this, the management has produced Sri N. Narsinga Rao, Clerk Gr. I and Sri V.K. Viswanadham, Clerk Grade I, to prove that Petitioner remained absent without any leave or without any intimation during the year 1997. Since absence of the Petitioner was admitted by the Petitioner himself it was the sole duty of the Petitioner to prove that his absence was due to any cogent or sufficient cause. Petitioner was unable to prove that his absence during the year 1997 was due to sufficient reason. Though he stated that he was absent due to ill-health but he was not able to provide any evidence or proof in support of his illness or illness of any of his family members. Even if it is presumed that Petitioner remained absent due to the ill-health why he did not inform his superiors regarding his illness, has not been explained by the Petitioner. Thus, the finding of the Enquiry Officer that Petitioner's absence during the year 1997 was without reason and sufficient cause, is based on evidence and reasoning and no fault can be find in the finding arrived at by the Enquiry Officer.

10. This tribunal is also of the opinion that the Petitioner remained absent without any intimation to his employer during the year 1997, his absence was without any reasonable or sufficient cause and thereby the Petitioner has committed misconduct mentioned in para 25.25 of the Standing Orders of the company. The action of management in terminating the services of Petitioner is legal and justified. Point No. 1 is decided accordingly.

11. **Point No. 2 :** So far as the question of punishment is concerned the Petitioner has not been able to justify his absence during the year 1997, he has voluntarily admitted before the Enquiry Officer that he remained absent during 1997 and could attend only 72 musters but the absence in the year 1997 which is first year of his employment thus his absence from duty is surely a grave misconduct and management has not committed any mistake in passing the punishment of dismissal against the Petitioner. The Learned Counsel for the Petitioner has argued that the Petitioner's family is starving due to dismissal of the Petitioner against which Learned Counsel for the Respondent has argued that Petitioner himself is responsible for the starvation of the family members, the Petitioner was a unwilling worker who has not cared to perform his duties with sincerity as such, the punishment was proper and interference is not

required in this case.

12. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered opinion that the punishment imposed on the Petitioner is neither excessive nor disproportionate and Petitioner is not a deserving person for any lenient view to be taken in favour of the Petitioner. The Petitioner himself is responsible for the starvation of his family members, no interference is required in the matter of the punishment. Point No. 2 is decided accordingly.

13. From the above discussion, this tribunal is of the considered opinion that the claim petition is unfounded, no interference is required in this case. Petitioner is not entitled for any relief, petition deserves to be dismissed and hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 11th day of August, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL	NIL
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Documents marked for the Petitioner	
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NIL	
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Documents marked for the Respondent	
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NIL	
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नई दिल्ली, 13 जनवरी, 2012

का.आ. 580.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एससीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 66/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-01-2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आईआर (सी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2012

S.O. 580.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 13-01-2012.

[No. L-22013/1/2012-IR (C-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present :—Shri Ved Prakash Gaur, Presiding Officer

Dated the 14th day of December, 2011

INDUSTRIAL DISPUTE L.C. No. 66/2010

Between :

Sri S.K. Mehaboob,
S/o Late S.K. Chand,
RK Incline,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Adilabad District.

... Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area,
Mandamarri, Adilabad District.
2. The Dy. General Manager,
RK, I-A Incline,
M/s. Singareni Collieries Company Ltd.,
Mandamarri, Adilabad District.

... Respondents

Appearances :

For the Petitioner : M/s. B.H.R. Chowdary,
G. Madhusudhan Reddy &
N. Arun Kumar, Advocates.

For the Respondent : M/s. P.A.V.V.S. Sarma &
Vijaya Laxmi Panguluri,
Advocates.

AWARD

Sri SK. Mehaboob has filed this petition under Sec. 2 A(2) of the I.D. Act, 1947 challenging the dismissal order dated 28-1-2003 of the Respondent.

to Kothagudem where his mother was living. He used to attend duty from Kothagudem, however, on the pretext of late coming, he was marked absent. Even late coming by a minute was treated as absence for entire day, he continued to work without salary with the hope that he would be paid at a future date. While so, he was issued with a charge sheet No. MMR/RK IA/R008/08/08/333, dated 21-1-2008. As Petitioner was illiterate, he took help of some person who wrote his explanation dated 25-1-2008 where they pleaded that Petitioner confessed his guiltiness. Though he was sick he attended enquiry with the help of his mother. He alleged that Enquiry Officer falsely recorded that Petitioner admitted his guiltiness. He alleged that unfair labour practice was played against him as defined u/s 2(ra), further elaborated in fifth schedule of Industrial Disputes Act, 1947 had been blatantly violated Rule 5 of the fifth schedule. He was dismissed vide order dated 15-12-2008, upon which Petitioner met the Manager, Mandamarri claiming injustice in his case. He submitted his enquiry report with a predetermined notion as such, the order passed on such enquiry report is bad and deserves to be quashed. Proper opportunity was not given to the Petitioner in the enquiry proceeding. Dismissal order based on that enquiry is illegal, arbitrary and is liable to be treated as bad in law. Petitioner further submitted that he appealed before Hon'ble High Court vide WP No. 23008/2010, in which Hon'ble High Court has directed the Petitioner to file industrial dispute before the Labour Court. Hence, this petition. He prayed that the impugned order be quashed and the Respondent be directed to reinstate the Petitioner with back wages and all consequential benefits.

3. Management has filed counter statement alleging therein that Petitioner remained absent through out year 2008 but for 16 days which hampered the working of the company, the absence of the Petitioner was without any sufficient cause which is grave misconduct within the Standing Orders 25.25 of the company and dismissal is not bad in the light of the case law reported in 1996(1) Sec 302 State of U.P. and others Vs. Ashok Kumar Singh. It is submitted that the Petitioner was appointed in the Respondent company as badli filler to work in Mandamarri Area as dependent of his father late SK. Chand and posted to work at RK 1A Incline. He was allotted quarter at Babu camp, Kothagudem in line with the settlement arrived at with the union. Nothing prevented the Petitioner from claiming allotment of a quarter in Mandamarri Area and he would have shifted his family from Kothagudem to Mandamarri by vacating the quarter at Kothagudem. He remained absent without reasonable cause, his mother non-cooperation is not at all a reasonable cause for his unauthorized absenteeism. The Petitioner had put in 105,21 and 16 musters during the years 2006, 2007 and 2008 respectively. Every employee including badli coal filler have to book 'IN' muster at the Manway, collect the cap lamp at lamp room and report to the shift overman who distributes the works to them, thus, at every step entries

with names are made. The allegation that he was marked absent on the pretext of late coming is totally incorrect and the Petitioner is put to strict proof. There is no chance to miss payment of wages to any employee because the IN and OUT musters are registered in Attendance Register/ Computer at the Manway, at the Lamp Room by the Lamp Room Incharge and his tub account is recorded by the Overman concerned and this is communicated to the Pit Office for making payment. It is submitted that Petitioner worked only for 21 musters in the year 2007 and absented for 338 days which constitute misconduct under company's Standing Order No. 25.25. Petitioner acknowledged receipt of charge sheet on 21-1-2008 and submitted his explanation dated 25-1-2008 and as it was not found satisfactory enquiry was conducted by the Enquiry Officer on 2-2-2008 where Petitioner was given full and fair opportunity to defend his case. Petitioner denied defence assistance and he did not object the recording of enquiry proceeding in English language and he was explained in Telugu at every stage of enquiry proceeding. Though he was extended opportunity to cross-examine management witnesses he did not cross-examine them. He admitted the charges before the Enquiry Officer and pleaded guilty of the charges levelled against him. Petitioner did not produce any sickness proof, thus he failed to produce any documentary or material evidence before the Enquiry Officer. There is no illegality or arbitrariness in the conduct of enquiry and also there is no violation of principles of natural justice during enquiry proceeding as alleged by the Petitioner. Copy of enquiry proceedings together with report of the Enquiry Officer was supplied to the Petitioner for his representation against the findings of the Enquiry Officer if any. Petitioner submitted his representation on 19-10-2008 and Petitioner was counselled at the Mine premises where Petitioner gave an assurance letter to be regular in future but he had put in 16 musters only during the year 2008. This prove that the Petitioner was not sincere to his work. He intentionally absented himself without any reason or cause. The company has provided medical facilities by establishing hospitals, but Petitioner did not report to the company hospital for his sickness thus, his submission that he was absent due to ill-health is unfounded. Enquiry Officer has given his finding placing reliance on the material placed before him by the management and no fault can be find in the enquiry report, it is based on evidence and Petitioner's dismissal order is not disproportionate to the misconduct committed by him since Petitioner was not regular to his duties company has dismissed him which is neither illegal nor invalid.

4. Parties were directed to produce documentary evidence in support of their claims. Petitioner has filed xerox copies of charge sheet, enquiry report, explanation, Order in WPNC 23008/2010 and dismissal order. However, the Respondent has filed office order dated 3-12-2005, initial medical examination report, Mines vocational training

certificate dated 16-2-2006, office order dated 21-2-2006, transfer certificate dated 10-12-2004, house vacation certificate, letters dated 17-6-2006, 21/23-8-2004, 4-1-1999 and 28-1-1999, charge sheet, representation of Petitioner, entire enquiry proceeding running into 10 pages, application of Petitioner, enquiry report, show cause notice, explanation to show cause notice, dismissal order, etc.

5. Before entering into the merits of the case the question of legality and validity of the domestic enquiry was to be considered. On 18-3-2011 order has been passed holding domestic enquiry to be legal and valid.

6. I have heard both the counsels under Sec.11A of the Industrial Disputes Act, 1947.

7. I have heard counsels for the parties and written arguments filed by Respondent, and also gone through the claim petition, counter statement and documents filed by the parties.

8. It is admitted fact that the Petitioner has put in only 21 musters during the year 2007 for which a charge sheet dated 21-1-2008 was issued to the Petitioner against which the Petitioner filed his explanation stating therein that he remained absent due to personal problems. It is also admitted that domestic enquiry was conducted and Petitioner participated in the domestic enquiry. On the basis of the report submitted by the Enquiry Officer dismissal order has been passed against the Petitioner which is under challenge. In this case this tribunal has to consider :—

(1) Whether the absence of Petitioner during the year 2007 was for any sufficient and reasonable cause or not and the report of Enquiry Officer is based on evidence or not?

(2) Whether the punishment imposed upon the Petitioner is disproportionate to the misconduct committed by the Petitioner?

9. **Point No.1:** The Petitioner has submitted that he had personal problems due to which he remained absent and put in 21 musters during the year 2007. His statement was recorded by the Enquiry Officer during the course of the enquiry, he stated that he remained absent for 338 days during the period January, 2007 to December, 2007 as mentioned in the charge sheet due to personal problems, but has not been able to provide any single document before the Enquiry Officer to substantiate his allegations. In his reply dated 25-1-2008 he simply wrote that he had put in 21 musters only in the year 2007, he had personal problems and now, he will attend his duties. As against this, the management has produced Sri Galib Sharif, O.S. to prove that Petitioner remained absent without any leave or without any intimation for 338 days during the year 2007 from January to December. Since absence of the Petitioner was admitted by the Petitioner himself it was the sole duty of the Petitioner to prove that his absence

was due to any cogent reason or sufficient cause. Petitioner was not able to prove that his absence during the year 2007 was due to sufficient reason. Though he stated that he was absent due to personal problems and ill-health, he has not been able to provide any evidence or proof in support of his illness or treatment for his injuries caused by road accident. Even if it is presumed that Petitioner remained absent due to personal problems, why he did not inform his superiors regarding the same has not been explained by the Petitioner. Thus, the finding of the Enquiry Officer that Petitioner's absence for 338 days without reasonable or sufficient cause during the year 2007 was based on evidence and reasoning and no fault can be find in the finding arrived at by the Enquiry Officer.

10. This tribunal is also of the opinion that the Petitioner remained absent without any intimation to his employer during the year 2007 for 338 days, his absence was without any reasonable or sufficient cause and thereby the Petitioner has committed misconduct mentioned in para 25.25 of the Standing Orders of the company. Point No.1 is decided accordingly.

10. **Point No.2 :** So far as the question of punishment is concerned the Petitioner has not been able to justify his absence during the year 2007 he has voluntarily admitted before the Enquiry Officer that he remained absent during 2007 and could attend only 21 musters though the respondent management has stated in the counter statement that Petitioner remained absent during the years 2006 and 2008 also which was not mentioned in the charge sheet. However, this fact was not brought before the Enquiry Officer also. As such, the previous absence can not be taken into consideration but the absence in the year 2007 for 338 days is surely a grave misconduct and management has not committed any mistake in passing the punishment of dismissal against the Petitioner. The Learned Counsel for the Petitioner has argued that the Petitioner's family is starving due to dismissal of the Petitioner against which Learned Counsel for the Respondent has argued that Petitioner himself is responsible for the starvation of the family members, the Petitioner was a unwilling worker who has not cared to perform his duties with sincerity as such, the punishment was proper and interference is not required in this case.

11. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered view that the punishment imposed on the Petitioner is neither excessive nor disproportionate. Petitioner is not a deserving person for taking any lenient view in his favour. The Petitioner himself is responsible for the starvation of his family members, no interference is required in the matter of the punishment. Point No.2 is decided accordingly.

12. From the above discussion, this tribunal is of the considered opinion that the claim petition is unfounded, no interference is required in this case. Petitioner is not

entitled for any relief, petition deserves to be dismissed and hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 14th day of December, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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Nil	Nil
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Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 13 जनवरी, 2012

का.आ. 581 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 133/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-01-2012 को प्राप्त हुआ था।

[सं. एल-22012/306/1998-आईआर (सी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2012

S.O. 581 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 133/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 13-01-2012.

[No. L-22012/306/1998-IR (C-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR
Case No. CGIT/NGP/ 133/2002.**

Date : 30-12-2011

Party No. 1 : The Sub Area Manager,
Dhoptala Sub Area, PO: Sasti, WCL.
Tah: Rajura, Distt. Chandrapur
Maharashtra.

Versus

Party No. 2 : The Secretary,
Bhartiya Koyla Khadan Mazdoor Sangh,
Wardha Valley, (BMS),
At : Dhoptala Sub Area, PO : Sasti,
Tah: Rajura, Distt. Chandrapur (MS)

AWARD

(Dated : 30th December, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute between the employers, in relation to the management of WCL and their workman Shri P. S. Ghate for adjudication to Central Government Industrial Tribunal-cum-Labour Court, Mumbai, No. 2, as per letter No.L-22012/306/98-IR(CM-II) dated 28/29-12-1998, with the following schedule:-

"Whether the action of the management namely Sub Area Manager, Dhoptala Sub Area of WCL, Distt. Chandrapur, in dismissing w.e.f. 14-8-1997 Sh. P. S. Ghate, Ex-Clerk, Dhoptala is legal, proper and justified? If not to what relief is the workman entitled and from which date? What other directions are necessary in the matter?"

Subsequently, the reference was transferred to this Tribunal for disposal in accordance with law.

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the union "Bhartiya Koyla Khadan Mazdoor Sangh, Wardha Valley, (BMS)", filed the statement of claim on behalf of the workman, Shri P.S. Ghate, ("the workman" in short) and the management of W.C.L. ("party no. 1" in short) filed the written statement.

3. The case of the workman, Shri P.S.Ghate as projected in the statement of claim by the union is that the workman came to be appointed with Party No. 1 as a Clerk in 1989 and he was in continuous employment of Party No. 1 with clean and excellent service record and on 9-5-96, a charge sheet was issued against him, on the allegations that during the month of April, 1996, while he was working as the weigh bridge clerk, excess coal was issued by him and the workman was also suspended w.e.f. 10-5-96 and the Party No.1 appointed the Inquiry Officer as well as the management representative to conduct the enquiry and the Inquiry Officer proceeded with the enquiry, without informing the workman about his rights in the enquiry and the procedure of the enquiry was not stated and the inquiry officer adopted the procedure unknown to law and allowed the management to arbitrarily and hastily completed the enquiry and the Inquiry Officer allowed the Party No. 1 to produce documents at different

stages of the enquiry and the principles of natural justice were violated in conducting the enquiry and the Inquiry Officer also allowed to examine the officers, against whom, charge sheets were issued in the same matter as witnesses and the Inquiry Officer obtained pre-written statements of such witnesses and such statements were considered as examination in chief of the witnesses and such procedure was unknown to law. It is further pleaded by the union that though it was the duty of the Party No.1 to supply all the relevant documents along with the charge sheet, such documents were not supplied and because of the arbitrary production of documents by the management and the Inquiry Officer allowing the production of such documents, proper opportunity was denied to the workman for cross-examination of the witnesses and the Inquiry Officer acted as an agent of the Party No.1 and workman was not at all responsible for issuance of the extra coal and the entire responsibility was that of the weigh bridge in charge whose duty was to allow the Parties to lift coal as per the demand order and the workman was working merely as a Clerk and he had no power either to issue coal or to restrict coal and the findings of the Inquiry Officer on the said issue is totally perverse and the charges leveled against the workman were vague and for submission of reply, no material particulars were supplied to him. It is also pleaded by the union that without prejudice, it is submitted that no loss was caused to the Party No. 1, because the amount of the excess coal lifted by the parties was already recovered and the Assistant Loading Supervisor, Shri Mannala did not check the quantity of the coal already issued and did not post the balance regularly, for which he was deputed and if Shri Mannala and Shri Shrirang would have checked the balance of coal and posted the same properly and issued programme according to balance, excess coal could not have been released and as such, Shri Mannala and Shrirang were responsible for issuance of excess coal and the workman was punished for the negligence of his superiors and the punishment of dismissal is shockingly disproportionate to the charge leveled against him and the Party No.1 did not consider the past record of the workman before imposing the punishment of dismissal and the punishment of dismissal from service is not legal, proper and justified and as such, the workman is entitled for reinstatement in service with continuity and back wages and all other consequential reliefs.

4. The Party No.1 denying the allegations made in the statement of claim has pleaded inter-alia that the workman was working as weigh bridge clerk, Grade-III in Gauri Open Cast Project and while he was working in the aforesaid post, he was issued with a charge sheet dtd. 9-5-1996 on the allegations that in the month of April, 96, he issued excess quantity of coal against five release orders and the charge against him were theft, fraud or dishonesty in connection with the employer's business or property and willful neglect of work and the workman submitted his reply on 11-5-1996 and as the reply was unsatisfactory,

the competent authority decided to conduct the departmental enquiry and appointed the Inquiry Officer and management representative and the workman was intimated by the Inquiry Officer about the first sitting of the enquiry to be held on 17-5-1997 and on that day, the workman and the management representative were present and on the request of the parties, the proceeding was adjourned to 18-5-1997 and on that date, the Inquiry Officer advised the workman to avail the assistance of a co-worker and the workman submitted an application for allowing him to engage one Shri Suresh Deshmukh as his co-worker and with the consent of the workman, proceedings of the enquiry were commenced and the charges leveled against the workman were read over and the workman denied the charges and thereafter the proceedings were adjourned to 22-5-1997, with a direction to the management representative to lead his case and the workman was also advised to bring his co-worker on the next date of hearing and on 22-5-1997, the management representative produced certain documents and copies of the same were supplied to the workman and the management representative also gave his evidence and during the course of enquiry, management produced 27 documents, which were exhibited and management examined three witnesses in all and all the management witnesses were cross-examined at length by the workman and his co-worker and after the closure of the evidence from the side for the management, opportunity was given to the workman to lead evidence in his defence and the workman gave his statement, which was recorded and the workman was cross-examined by the management representative and thereafter, the workman did not produce any evidence and closed his evidence and after closure of the evidence, argument from both sides was heard by the Inquiry Officer and the Inquiry Officer submitted his report on 12-7-97, holding the charges leveled against the workman to have been proved and on receipt of the inquiry report, the second show cause notice was issued along with the enquiry report to the workman and the workman submitted his reply on 13-8-97 and after taking into consideration all the material on record, including the enquiry report and explanation submitted by the workman, the Disciplinary Authority decided to impose the punishment of dismissal from service and accordingly, the order of dismissal from service was passed on 14-8-97 and the punishment of the dismissal from service has been passed by taking into account the seriousness of the charges proved against him in a properly conducted departmental enquiry, in which all reasonable opportunities were given to the workman and the punishment is not disproportionate to the misconduct proved against him.

5. It is necessary to mention here that though this a case of dismissal from service after holding a domestic enquiry, the Tribunal without deciding the validity of the enquiry as a preliminary issue, decided the reference on merit, as per order dated 6-2-2003, holding the departmental enquiry to be proper and justified and the dismissal of the

workman to be justified. Against the said award, the workman filed writ petition No. 259 of 2004, before the Hon'ble High Court of judicature of Bombay, Nagpur Bench, Nagpur and the Hon'ble High Court allowed the writ in part, quashed and set aside the order dtd. 6-2-2003 and remanded the case for deciding the same afresh, after hearing the matter and taking into consideration the submissions made by the parties and the evidence on record, by recording clear findings and reason for the findings on issues involved in the reference.

6. It is also necessary to mention here that as this is a case of removal of the workman from service, after holding of a domestic enquiry, the question of the validity or otherwise of the domestic enquiry was taken for consideration as a preliminary issue and by order dated 7-2-2011, the enquiry was held to be legal, proper and by following the principles of natural justice.

7. At the time of argument, it was submitted by the learned advocate for the workman that the workman was working at the grass root of the hierarchy and the Loading Superintendent/Asstt. Loading Supdt. was above him and the Under Manager/Asstt. Colliery Manager was above the Loading Supdt. and the Under Manager was the In charge of the dispatch work and under him, the Asstt. Loading Supervisor was functioning and coal release order was issued by the Sales Manager from the Headquarters of the WCL and the quantity of coal as mentioned in the release order was credited in the ledger account of the concerned party and the concerned party used to apply for release of coal to the Sub Area Manager and accordingly, permit was issued to him by the Sub Area Manager and based on such permit and on the basis on record maintained by the Asstt. Loading Supdt./ Supervisor, gate passes were issued to the concerned party and the workman was required to release coal based on the balance maintained by the Asstt. Loading Supdt./ Supervisor and during the course of the enquiry, it has been brought on record from the cross examination of the departmental witnesses and on the basis of the documents filed by the management that the immediate superior of the workman, Shri S.N. Mannala or in his absence, Shri D.B. Shrirang was specifically entrusted with the task of maintaining all records of dispatches in respect of coal release and further to ensure personally that the dispatch quantity should not exceed the quantity in the release order and it has been on record that Shri Mannala had not maintained the records regularly and due to the negligence on the part of Shri Mannala, excess amount of coal was released and management had not filed any document showing the duties of the workmen and the document, Exhibit M-5, which is an officer order dated 2-4-1994 issued under the signature of the Sub Area Manager, clearly shows the duties of the Asstt. Loading Supdt. Shri S.N. Mannala and the excess coal as alleged in the charge sheet was released by the workman owing to the negligence of

immediate superior, Shri S. N. Mannala and in his absence Shri D.B. Shrirang and as such, it cannot be said that the workman committed the said misconduct. It was further submitted that the Enquiry Officer in his report on page 11 has held that, "had Shri S. N. Mannala and Shri D.B. Shrirang checked the balance and posted it properly in the account ledger and also issued programmes according to balance, the excess coal could not have been released", which clearly shows that the workman did not commit the alleged misconduct and the finding of the Enquiry Officer that, "had the workman checked the balance before issuing gate passes, the excess coal could not have been issued" is totally unsustainable and perverse, in view of the materials brought on record from the cross examination of MW-1- Shri Rajit Singh and when the immediate superior of the workman was entrusted with the duty of maintaining of the balance in the account ledger of the respective parties, the question of the workman checking the balance does not arise and as such, the findings of the Enquiry Officer are perverse. It was further submitted by the learned advocate for the workman that Shri S.N. Mannala and D.B. Shrirang were charge sheeted by WCL in respect of the alleged incident and during the pendency of the enquiry, Shrirang died and as charges were proved against Shri Mannala, he was dismissed from services by the WCL management and Shri Mannala challenged the same before the CGIT, but the reference was answered in negative and the Writ Petition and L.P.A. filed by Shri Mannala were also dismissed and the punishment was maintained throughout and one Shri Premnath Singh, who was also serving as a Weighbridge Clerk was charge sheeted similarly and he was dismissed from services, as he was found guilty of the misconducts in the departmental enquiry and the reference was also dismissed by the CGIT, so he filed Writ Petition No. 3224/2004 before the Hon'ble High Court and the Hon'ble High Court set aside the award passed in the reference and the findings in the Writ Petition No. 3224/2004 were challenged by the management in L.P.A. No. 45/2011, but the same was dismissed by the Hon'ble High Court and the Hon'ble High Court have been pleased to observe categorically in the judgment that, "No findings is recorded by the Enquiry Officer that the petitioner was willfully neglected the work or he committed theft, fraud or dishonesty in connection with the employer's business or property" and in this case, the findings of the Enquiry Officer are perverse and the past service record of the workman was clean and unblemished and as such, the punishment deserves to be quashed and set aside and the workman is entitled to reinstatement in service with continuity with full back wages.

8. Per contra, it was submitted by the learned advocate for the party no.1 that while the workman was working as weighbridge clerk, he was issued with a charge sheet under section 26.1 and 26.5 of the Certified Standing Orders, for committing theft, fraud or dishonesty in connection with the employer's business or property and

for willful neglect of work, as he issued excess coal to the parties and a departmental enquiry was initiated against him, as his explication was found not to be satisfactory and it has already been held that the departmental enquiry is legal and proper and by following the principles of natural justice and it was clear from the evidence adduced during the course of enquiry proceeding that the workman was responsible for issuing excess coal to the parties and as such, the enquiry officer submitted his report holding the charges to have been proved against the workman and the findings of the enquiry officer are not perverse and the workman also admitted in his evidence about issuing the gate passes on the strength of which, excess coal was issued and as the misconduct committed by the workman is very serious in nature, the punishment of dismissal from services imposed against the workman is not shockingly disproportionate.

9. It is on dispute that the workman was working as a weighbridge clerk and his duty was to make weighment of the coal loaded in the truck and to issue gate passes for transport of the same. Exhibit M-2 is an office order dated 2-4-1994 of WCL, Gouri Sub Area. The said order shows that Shri S. N. Mannala, Asstt. was entrusted with the duty to maintain all records of dispatches in respect of road releases. He was also directed to personally ensure that dispatch quantity doesn't exceed the quantity of release order. So, it is clear from the documents submitted in the departmental enquiry that the workman was not entrusted to keep the accounts of the coal to be dispatched on road by release orders.

In his findings in para 2 at page no. 9 of the enquiry report, the Enquiry Officer has mentioned that, "From the Exhibit no. 5, it can be known that Shri Mannala, Asstt. Loading Supdt. was given the responsibilities of maintaining all records of despatches in respect of road releases and also to ensure that dispatched quantity does not exceed the quantity in the release order". At page 10, in paragraph 6, 7, 8, 9 and 10 the Enquiry Officer has mentioned that "from the records, it has come to know that Shri S.N. Mannala, Asstt. Loading Supdt. has not checked the quantity already issued and posted the balance regularly and correctly for which he had been deputed specifically.

During the enquiry, it has come to know that Shri D.B. Shrirang was attending duties at weighbridge in absence of Shri S.N. Mannala for checking the balance and posted it accordingly.

During the enquiry, the MW no. 3 stated that the programmes were being issued on the basis of balance only but on the question of programmes issued against R/o 70623, 70969 and 69412 when balance were not available, he stated that sometimes as per the instruction of the Sub Area Manager, Gouri Sub Area open programmes were issued.

The MW no. 2, accepted the posting of balance coal 199.440 MT against R/o no. 69412 on 27-4-1996 in A/C ledger which was wrong through which 15.200 MT excess quantity of coal was released.

The MW no. 2 has shown his ignorance about posting of the balance coal 27.430 against R/o no. 70623 on 28-4-1996 and 19.790 MT against R/o no. 70969 on 29-4-1996 in A/c ledger. He also stated that the balance posting of coal 176.420 MT against R/o no. 70638 on 23-4-1996 in A/c ledger was posted by Shri Gadpathi Tripathi, the other Weighbridge Clerk."

At page 11 of the enquiry report, the Enquiry Officer has mentioned that, "had Shri S.N. Mannala and Shri D.B. Shirang checked the balance and posted it properly in A/c ledger and also issued programmes according to the balance, the excess coal could not have been released.

The Enquiry Officer has observed in the concluding para of his report that, "Had the workman checked the balance before issuing the gate passes, the excess coal could not have been issued". Admittedly, the workman was a weighbridge clerk and was assigned the duty of issuance of gate passes on the basis of the accounts maintained by his immediate superior Mr. Mannala. The under manager, who was superior to Mr. Mannala was to maintain the balance of the coal. It was the duty of the workman to issue gate passes on the basis of the accounts maintained by Mr. Mannala and Mr. Shirang and in the instant case, the gate passes were issued by the workman and excess coal was released, in view of improper maintenance of accounts by Mr. Mannala and Mr. Shirang, as mentioned in paragraph 13 of the report of the enquiry. The enquiry report also doesn't state that the petitioner had intentionally or wilfully neglected his work. No finding has been recorded by the enquiry officer that the petitioner had committed theft, fraud or dishonesty in connection with the employer's business or property or that he had wilfully neglected the work. It has only been mentioned that as the workman had issued excess quantity of coal, the charges have been proved against him beyond any shadow of doubt. In view of the observation of the enquiry officer that, at best, it can be said that the action of the workman tantamount to negligence, but there is absolutely nothing in the enquiry report to show that the petitioner had wilfully neglected his work or had committed theft, fraud or dishonesty in connection with the employer's property. By taking all the materials on record into consideration, it is found that the findings of the enquiry officer are based on no evidence and the findings are perverse and there is no ground to hold the workman guilty under sections 26.1 and 26.5 of the Certified Standing Orders. Hence, the order of termination of the services of the workman, basing on such findings is illegal and cannot be sustained. As such, the workman is entitled for reinstatement in service.

10. The workman has neither pleaded nor proved that he was not in gainful employment after the termination of his services and as such, he is not entitled for back wages. Hence, it is ordered:

ORDER

The action of the management namely Sub Area Manager, Dhoptala Sub Area of WCL, Distt. Chandrapur, in dismissing w.e.f. 14.08.1997 Sh. P.S. Ghate, Ex-Clerk, Dhoptala is illegal, improper and unjustified. The order of termination of services of the workman is set aside. The workman is entitled for reinstatement in service with continuity. He is not entitled for back wages. The management of WCL is directed to reinstate the workman in service, within one month from the date of publication of award in the official gazette.

J. P. CHAND, Presiding Officer

नई दिल्ली, 13 जनवरी, 2012

का.आ. 582 ---औद्योगिक विवाद अधिनियम, 1947 (1947 अ। 14) को था. 17 के अनुसरण में, केन्द्रीय सरकार डल्लू, श्री.लू. के प्रथमवर्तमान के उच्चदर नियोजकों और उनके कर्मकारों के नीति, अनुबंध व नियिक औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, नागपुर के एंटेट (संदर्भ संख्या 191/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-01-2012 को प्राप्त हुआ था।

[र. एल-22012/92/1997-आईआर (सी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2012

5.0. 582.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 191/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 13-01-2012.

[No. L-22012/92/1997-IR(C-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/ 191/2002

Date : 29-12-2011

Party No. 1 : The Chairman-cum-Managing Director
WCL, Civil Lines, Nagpur.

Versus

Party No. 2 : The General Secretary,
Lat Zanda Coal Mines Mazdoor Union,
C/o. WCL, Coal Estate, Civil Lines,
Nagpur.

AWARD

(Dated : 29th December, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of WCL and their Union, for adjudication, as per letter No.L-22012/92/97-IR (C-II) dated 31-10-2002, with the following schedule: -

"Whether the demand of Lal Zanda Coal Mines Mazdoor Union, Nagpur for regularization/absorption of 31 Canteen workers at Headquarters of WCL, Nagpur is legal and justified? If yes, to what relief they are entitled to?"

List of Canteen Workers

1. Shri Gyaneshwar Dularwar	Manager
2. Shri Sitaram Khirsagar	Cook
3. Shri Punna Swami Naidu	Cook
4. Shri K. N. Meshram	Cook
5. Shri Rupchand Bombarde	Cook
6. Shri Madhu Sahare	Assistant Cook
7. Shri Chandan Jambulkar	Assistant Cook
8. Shri Vinod Chivade	Waiter
9. Shri Hansraj Bhaisare	Waiter
10. Shri Badal Bombarde	Waiter
11. Shri Arun Gharde	Waiter
12. Shri Amirchand Bharti	Waiter
13. Shri Tarachand Gharde	Waiter
14. Shri Jitendra Jambulkar	Waiter
15. Shri Kishor Chivade	Waiter
16. Shri Siddharth Gedam	Waiter
17. Shri Papaya Katrapwar	Waiter
18. Shri V.D. Dongre	Waiter
19. Shri Ramchandra Bombarde	Waiter
20. Shri Masaram Bombarde	Waiter
21. Shri Kashiram Uikey	Waiter
22. Shri Bindulal Thakur	Waiter
23. Shri Deepak Paranjape	Waiter

Daily Wager

1. Shri Lakeshwar Gharde
2. Shri Manohar Gharde
3. Shri Rajesh Sharma
4. Shri Rajesh Mane

5. Shri Sudhir Nandagawari

6. Shri Sudhakar Rangari

7. Smt. Devkabai Ukey

8. Smt. Sindhubai Naidu

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the Union "Lal Zanda Coal Mines Mazdoor Union", filed the statement of claim on behalf of 31 Canteen workers and the management of the WCL ("Party No.1" in short) filed its written statement.

The facts as pleaded in the statement of claim by the union is that at the Headquarters of WCL, there is a canteen, which is run by the co-operative society under the name and style of the "Western Coalfields Employees (HQ) Consumer Co-operative Society" and the said society is registered under the Societies Act and the Canteen is situated in the building of WCL Headquarters at Coal Estate, Nagpur and at the instance and initiative of the management of WCL, the said canteen was registered with the Directorate of Canteens, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India in the year 1985 and the registration number allotted to the canteen was A 19-C and the party no. 1 owns the canteen building and the canteen management does not pay any rent for the same and party no. 1 also provides furniture, electricity, water, utensil and other requisite materials required for the canteen and party no.1 does the maintenance of the canteen and pays the wages of the employees of the canteen by way of subsidy and in the year 1991, in the issue of departmentalisation of the canteen and its workers registered with Registrar of Canteens, Government of India, the Hon'ble Apex Court held that the canteen should be converted into departmental canteens and the employees concerned should be brought under the roll of the management and in compliance with the directives of the Hon'ble Apex Court, as well as the Directorate of Canteens, similar canteens functioning in different Government Departments, namely, office of Accountant General, Maharashtra, Indian Bureau of Mines, Income-tax, NEERI etc. were brought under the management and the union approached the party no.1 to comply the directives of the Directorate of Canteens in tune with orders issued by the Hon'ble Apex Court, but the party no.1 refused to act in the matter and the party no.1 fixes the rate of eatables, tea, coffee etc. provided in the canteen and the party no.1 provide Identity card and uniforms to the employee of the canteen and the union raised the matter of regularization of the workers of the canteen for conciliation, which was ultimately culminated in this reference. Prayer has been made for a direction to party no.1 for regularization/absorption of the 31 canteen workers at headquarters with all consequential benefits.

3. The party no.1 in its written statement has pleaded inter-alia that *prima facie* there is no valid industrial dispute to be adjudicated upon, as there is no employer-employee relationship between the party no.1 and the canteen workers and a valid industrial dispute can be raised only when, there is dispute between the employer and workmen and the head office of WCL at Nagpur is not a mine and it has no statutory obligation to run a departmental canteen at headquarters and in absence of any statutory obligation to run a departmental canteen, the persons working therein cannot be deemed to be employed by WCL and there would be no legal obligation to regularize/absorb them. The further case of the party no.1 is that the issue of running a canteen came up for deliberation in JBCCI and it was agreed in NCWA-III that during the agreement period, the management would provide canteen in each of the colliery/establishments and the same would not be run by contractors and the canteen at WCL headquarters Nagpur was setup under the management and control of Western Coalfields Employees (HQ) Consumer Co-operative society and the Co-operative society was registered under Maharashtra Co-operative Societies Act, 1961 in the year 1983 and the society is a legal and independent body carrying out its business within the frame work of its by-laws and the management of WCL has no control over its activities and the society is managed by its governing body constituted as per the bylaw and the governing body is elected by the general body of the members of the society and therefore, the employees who are appointed by the society for carrying out its business have no relationship of employer-employee of WCL and the society under misconception or for the reasons best known to them got the canteen registered with the Director of Canteens, Government of India, Director of Personnel and Training in the year 1986 and there was direct communication between the co-operative canteen and the office of the Director of the Canteen and the management of WCL had no hand in it and the said registration remained valid only for one year, as the society discontinued sending its annual subscription and the society did not renew the registration by paying the annual subscription after March, 1988, the same automatically lapsed and became redundant and inoperative from April, 1988. The further case of party no.1 is that the canteen is managed and controlled directly by the co-operative society the same is evident by the facts that all the persons working in the canteen have been appointed by the canteen and the management of WCL has no say in it, so much so that, they are not even consulted, the work to individual person is allotted by the governing body / management committee of the society and their wages/salary are fixed by the society without any consultation with the management, their attendance is maintained by the society, their wages/ salary are directly paid by the society out of its funds their leaves etc. are granted by the society, the grievances of the workers of the canteen are resolved through negotiation between them

and the management is not concerned in the same and the society is maintaining its financial accounts quite independent of WCL and the accounts are annually audited by the auditors appointed by the society itself as per their by-laws and the assistance of WCL to the canteen is only in the form of grant and aid, apart from providing accommodation, electricity, water supply, furniture and equipments as a welfare measures and the financial subsidy is paid by WCL only for the purpose of supply of eatables by the canteen at cheaper rates and the institutions named by the union, where canteens run by the Government department at Nagpur have been departmentalized and workers regularized are quite different to WCL and WCL is not a department of the Government and it is a semi-government organization/public sector undertaking and therefore any rule or law applicable to government and government department will not be automatically applicable to the management of WCL, unless and until specifically provided so, and therefore, the claim of the union cannot be decided by comparison with the concerned organization/departments and rate of eatables are fixed by canteen managing committee constituted by the co-operative canteen society and identity cards have been issued to the canteen workers for security reasons, in order to prevent entry of unauthorized persons to the premises of the headquarters and therefore the union is not entitled for any claim.

4. Besides placing reliance on documentary evidence, both the parties have adduced oral evidence in support their respective claims. Manoj Hariprasad Sarabhai, the Secretary of the union and one Narayan N. Morkhe have been examined as witnesses on behalf of the union, whereas, one S. N. Sanyal a Personal Manager has been examined as a witness by the Party No. 1. The evidence of the two witnesses examined by the union is in the same line of the stands taken by the union in the statement of claim. Likewise, the evidence of the witness examined on behalf of the party no. 1 is also in the line of the stands taken in the written statement by party no. 1.

The witness no. 1 for the union, Manoj Sarabhai in his cross-examination has stated that there was a decision about running of canteen in the Coal Wage Agreement. He has also admitted that the registration of the canteen with the Director of Canteens was not renewed and out of the 31 canteen workers, three persons, namely, Punna Swami, V.D. Dongre and Jambhulkar are no more and he has not filed any document to show that WCL is a party to the appointment of canteen workers.

The witness no. 2, N.R. Morkhe, in his cross-examination has stated that the society which runs the canteen is registered under the Co-operative Societies Act and it has its governing body and all policy decisions are taken by the governing body and the committee has not taken the decision for closing or handing over the canteen and in 1985, they received the registration from

the Director General of Canteens and the same was subjected to renewal every year and he cannot say the exact year in which it was lastly renewed and in 1993, they had approached the Director of Canteen for renewal of registration, but the Director refused to renew and advised them to handover the canteen to the management. He has admitted that WCL is a corporation having its separate service conditions and rules and the society has appointed the employees, who are working in the canteen and the society marks their attendance and prepare the wage sheet and the society pays them their wages.

The witness examined on behalf of the party no.1 has been cross-examined at length regarding the facilities extended by the WCL to run the canteen. As it is the admitted case of the party no.1 that WCL provides furniture, electricity, water, utensil by way of welfare measure and also give subsidy so that the canteen should supply the eatables at cheaper rate, the facts brought out in the cross-examination of the witness for party no.1 are of no help to the case of the union.

5. At the time of argument, it was submitted by the learned advocate for the union that in view of the judgment of the Hon'ble Apex Court in Writ Petition No. 6189-7044 and 8246-55 (C.K. Zha and other and P.N. Sharma and others) in regard to non-statutory departmental/co-operative canteen employees, the canteen workers working in the canteen situated at the Head office of WCL Nagpur are entitled for regularization/absorption in WCL and the party no.1 owns the canteen building and provides furniture, electricity, water, utensils and other requisite materials required for the canteens and also maintains the canteen and pay wages of the employee by way of subsidy and in view of the direction of the Director of Canteens, WCL is bound for regularization/absorption of the 31 canteen workers.

In support of such contentions, the learned advocate for the union has placed reliance on the decisions reported in 1990 II CLR-261 (MMR Khan and others Vs. Union of India), 2008 II CLR-988 (GM ONGC, Silcer Vs. ONGC Contractual Workers Union), 2007 (114) FLR-510 (Punjab National Bank Vs. Punjab National Bank Canteen Workers Union) and 2011 (2) Mh.L.J. 313 (Workmen of Taroda Open Cast Mine of WCL Vs. Central Government Industrial Tribunal).

6. On the other hand, it was submitted by the learned advocate for the management that the ruling of the Hon'ble Apex Court has not been filed by the union and the documents filed by the union are the instructions of the Government of India, Director of Canteens and such instructions are not endorsed either to WCL management or the co-operative canteen functioning at WCL and since the canteen in question is not covered by the memorandum and from the documents it is found that the instructions are meant for non-statutory departmental/co-operative

canteen located in Central Government Offices and not in Public Sector Undertaking, the same has no application to the WCL and the co-operative canteen is excluded from the purview of the Government Memorandum and it is clear from the evidence on record that the canteen though was registered with the Director of Canteen, the registration was not renewed after 31-3-1986 and the union has not filed any proof that the registration was renewed after 31-3-1986 and none of the essential conditions required by the Government Memorandum were satisfied by the co-operative canteen of WCL, warranting its departmentalisation and absorption of its employees and the facilities given to the canteen by the WCL is for the smooth functioning of the canteen and to facilitate supply of eatable at cheaper rate, keeping in view the provision of the NCWA and the management of WCL has no control over the canteen and the co-operative society itself is in full control of the canteen and as such, the canteen workers cannot be regularized or absorbed.

7. Perused the documents filed by the parties. From the oral evidence and so also the documentary evidence, it is found that the Western Coalfields Employees (HQ) Consumer Co-operative society is running the canteen in question. In the statement of claim and so also in the evidence, it has been clearly mentioned by the union that the canteen is run by the co-operative society. It is also found from the documents that as per the NCWA, the management of WCL is providing different facilities including payment of certain amount to the canteen managing committee to enable the canteen to supply food articles at cheaper prices. The appointment of the workmen in the canteen, payment of wages to them and the administrative control are being done by the co-operative society. The directive of the Government of India, is regarding the non-statutory departmental/co-operative canteen/Tiffin rooms located in the Central Government offices. Admittedly, WCL is not a Central Government Office and as such, the directives of the Director of Canteens are not applicable to the co-operative canteen of WCL. As the facts and the circumstances of the case at hand are quite different from the facts and the circumstances of the cases referred in the decisions cited by the learned advocate for the union, with respect, I am of the view that the said decisions have no direct application to this case.

From the materials on record, it is found that the demand of the union for regularization/absorption of the canteen workers is not justified. Hence, it is ordered.

ORDER

The demand of Lal Zanda Coal Mines Mazdoor Union, Nagpur for regularization/absorption of 31 Canteen workers at Headquarters of WCL, Nagpur is illegal and unjustified. The workers are not entitled to any relief

J. P. CHAND, Presiding Officer

नई दिल्ली, 13 जनवरी, 2012

का.आ. 583 —ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के लिए, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 98/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार वो 13-01-2012 को प्राप्त हुआ था।

[सं. एल-22012/321/2003-आईआर (सी-II)]
रमेश सिंह, डेरेक्ट अधिकारी

New Delhi, the 13th January, 2012

S.O. 583 —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 98/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 13-01-2012.

[No. L-22012/321/2003-IR (C-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri VED PRAKASH GAUR,
Presiding Officer

Dated the 23rd day of July, 2010

INDUSTRIAL DISPUTE No. 98/2004

Between :

The Area Secretary,
(Sri Bandari Satyanarayana)
Singareni Collieries Employees Union,
(CITU), Mandamarri.

...Petitioner/Union

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Division,
Mandamarri-504231.

...Respondent

Appearances :

For the Petitioner : M/s. A.K. Jayaprakash Rao,
K. Srinivas Rao, P. Sudha,
T. Bal Reddy, M. Govind, &
K. Ajay Kumar, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma and
Vijayalakshmi Panguluri,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/321/2003-IR(CM-II) dated 30-6-2004 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd. Mandamarri Division in not regularizing the services of Sh. Md. Shareef, Coal Filler in the post of General Mazdoor Ca. I working continuously since 8 years is legal and justified? If not, to what relief the workman is entitled ?”

The reference is numbered in this Tribunal as I.D. No. 98/2004 and notices were issued to the parties.

2. Petitioner representative has filed his claim statement stating therein that the workman Sri Md. Shereef has joined the services of the Respondent company in 1988 as badli filler and made permanent and his services were utilized as General Mazdoor Category-I from 1993 but till date his services were not regularized as General Mazdoor Category-I. His juniors were regularized in that capacity. It is prayed this court to direct the Respondent for regularization of the services of Sri Md. Shereef as General Mazdoor Category-I.

3. Respondent has filed counter statement. It is submitted that Petitioner workman has joined the services of the company on 4-3-89 as per orders and further he was promoted as coal filler. Coal filler post is equivalent to Category-V whereas General Mazdoor's post is in Category-I which is less than that of coal filler which is equivalent to Category-V. It is settled proposition of law that mere acting in particular post does not confer any right to be absorbed in that particular post. Hence, no interference is required by this court, petition be dismissed.

4. Petitioner Union filed chief examination affidavit of Sri Bandari Lingaiah in support of the claim and marked documents Ex. W1 to W5 and he was cross-examined by the Respondent. Petitioner union has examined Sri Md. Shereef as WW2 in his defence who has marked documents Ex. W6 to W13 and cross-examined by the Respondent.

5. Respondent has filed chief examination affidavit of Sri P. Venkateswarlu, Dy. Personnel Manager of the Respondent company.

6. It was informed on 3-3-2009 by the Learned Counsel for the Petitioner union that Petitioner workman

Sri Md. Shereef is dead and requested time for moving substitution application. On 23-7-2010, none appeared from the side of Petitioner workman neither counsel for Petitioner nor LRs. Case is dismissed in absence of Petitioner workman or LRs. In view of the circumstances, a 'Nil Award' is passed in absence of Petitioner/LRs.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 23rd day of July, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1 : Sri Bandari Lingaiah	MWL: Sri P. Venkateswarlu
WW2 : Sri Md. Shereef	

Documents marked for the Petitioner

Ex.W1: Copy of pay slip
 Ex.W2: Copy of pay slip
 Ex.W3: Copy of representation of workman
 Ex.W4: Copy of order in WP No.6803/99
 Ex.W5: Copy of minutes of conciliation proceedings
 Ex.W6: Copy of office order No.SMG/Agt./I2/93/407 dtd. 16-8-93.
 Ex.W7: Copy of office order No. P/MM/4/5/96/1280 dtd. 26-6-96.
 Ex.W8: Copy of office order No.SMG/AGT/2/96/221 dtd. 29-6-96.
 Ex.W9: Copy of office order No. PJ.PA/261-S/8.APPl/ 5606 dtd. 30-9-89.
 Ex. W10: Copy of office order No.MMR/PER/P/033/5725 dtd. 31-10-2005.
 Ex.W11: Copy of office order No.MMR/PER/P/033/5715 dtd. 31-10-2005.
 Ex.W12: Copy of office order No.MMR/PER/P/033/5716 dtd. 31-10-2005.

Ex.W13: Copy of office order No.MMR/PER/P/033/4911 dtd. 27-8-2005.

Documents marked for the Respondent

NIL

नई दिल्ली, 13 जनवरी, 2012

का.आ. 584.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार भारतीय स्टेट

बैंक के प्रबंधत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, पुणे के पंचाट (संदर्भ संख्या 79/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-01-2012 को प्राप्त हुआ था।

[सं. एल-12011/01/2008-आईआर (बी-1)]
 रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2012

S.O. 584.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 79/2008) of the Labour Court, Pune (Maharashtra) as shown in the Annexure in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 13-01-2012.

[No. L-12011/01/2008-IR (B-1)]
 RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE M.S. BODHANKAR, PRESIDING OFFICER, FIRST LABOUR COURT, PUNE

REF. IDA. No. 79 of 2008

The General Manager,
 State Bank of India
 Mumbai Local Head Office,
 Bandra Kurla Complex,
 MUMBAI

... 1st party

AND

The President,
 State Bank of India Staff Union,
 C/o State Bank of India, LHO,
 Bandra: Kurla Complex, Synergy,
 MUMBAI-400051

... 2nd party

AWARD

(Dt. 12-9-11)

This reference is made to this Court by the Desk Officer, Govt. of India/Bharat Sarkar Ministry of Labour/ Shram Mantralaya, New Delhi vide No. L-12011/01/ 2008-IR(B-1) dtd. 1-4-2008 for adjudication in respect of the matters specified in the Schedule as under:

SCHEDULE

“Whether the action of the management of State Bank of India, Pune for ordering deduction of shortage amount of Rs. 17850 from Shri Sadavarte, applicant without any proper enquiry, is justified or not? If not, what relief is provided to the concerned workman?”

The workman has filed withdrawal purshis vide Ex. 8 before the court stating that he does not want to proceed with the matter and he seeks to withdraw the same. Hence the reference is disposed of as withdrawn. Award be drawn accordingly.

Dtd. 10-8-11 M. S. BODHANKAR, Presiding Officer

नई दिल्ली, 13 जनवरी, 2012

का.आ. 585.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण पूर्व रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 20/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-01-2012 को प्राप्त हुआ था।

[सं. एल-41012/159/2001-आईआर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th January, 2012

S.O. 585.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of South Eastern Railway and their workman, which was received by the Central Government on 13-01-2012.

[No. L-41012/159/2001-IR (B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/20/2002

Date : 30-12-2011

Party No. 1 : The Divisional Railway Manager,
South Eastern Railway,
Kingsway, Nagpur-440001.

Versus

Party No. 2 : Shri Samru S/o Ghasiram,
Ex-Khalasi, South Eastern Railway,
Budha Gali, Ward No. 11, Stationpara,
Rajnandgaon (CG), (Dead)

Substituted by Legal heirs

- (a) Smt. Bhudhawanti W/o
Samru Ghasiram, aged 48 yrs,
Occupation: household
- (b) Suryaprakash, aged about 35 years,
- (c) Shri Subhash, aged about 33 yrs

(d) Shri Suresh aged about 30 years

Applicants b, c & d are sons of Samru
Ghasiram, Occupation: Labour

All are resident of Budhagalli,
ward no. 11, Station Para,
Rajnandgaon, Chattisgarh.

AWARD

(Dated : 30th December, 2011)

The Central Government, in exercise of the power conferred by the Clause (d) of Sub-section i and Sub-section 2-A of the Industrial Disputes Act, 1947 (The "Act" in short) has referred the industrial dispute between the employers, in relation to the management of The Divisional Railway Manager, South Eastern Railway and their workman, Shri Samru Ghasiram for adjudication as per letter No.L-41012/159/2001-IR (B-I) dated 6-3-2002, with the following schedule:-

"Whether the action of the management of South Eastern Railway, Nagpur in removal from service to Shri Samru S/o Ghasiram vide their letter dated 29-11-1995/01-12-1995 is justified? If not, what relief the said workman is entitled ?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the workman, Shri Samru Ghasiram, ("the workman" in short) filed the statement of claim and the management of the Divisional Manager, South Eastern Railways ("party no. 1" in short) filed the written statement.

3. The case of the workman was that, he was appointed as Khalasi on 26-11-1973 and was posted under the Carriage Foreman Gondia and he was on medical leave from 4-12-1994 to 8-12-1994 due to his illness and on 9-12-1994, when he went to join his duties with the medical certificate, the authorities of party no. 1. became 'enraged and tore the medical certificate and threw away the same and then he handed over the medical certificate regarding his illness upto 30-10-1995 to the carriage Foreman, Manmohan Singh and the Foreman gave his remarks on the said certificate and sent the same to the authority and thereafter, he was sent to Nagpur, for special medical examination and the Railway doctor of Nagpur gave him fitness certificate on 27-12-1995 to join duty and when he went to the Foreman with the said certificate, he was intimated that his name had already been struck off from the roll, as per the orders of the Senior Divisional Mechanical Engineer, South Eastern Rly. dated 29-11-1995 and he was removed from service and on 18-4-1999, he preferred an appeal against the order of his removal from service to the Divisional Railway Manager, Nagpur and though the appeal was time barred, the Appellate Authority taking the appeal as a special case, considered the same,

but as per order dated 25-2-2000, the appeal was rejected. The further case of the workman was that due to the prolong illness of his wife, he was mentally and physically disturbed and he also became ill during the relevant period and produced medical certificate in support of such illness and he did not remain absent without sufficient cause and no misconduct was committed by him and the enquiry against him was not conducted according to law and he was not intimated about the dates of the enquiry and when he had gone to Nagpur for his medical examination, the enquiry officer took his signatures on some documents in the Divisional office and the punishment imposed against him is against the principles of natural justice and nothing but unfair labour practice and after his removal from service, he became jobless.

Prayer was made by the workman for his reinstatement in service, with continuity and full back wages.

It is necessary to mention here that, during the pendency of the reference, the workman died and as such, his legal heirs were substituted in his place as applicants (a) to (d) as per orders dated 16-1-2007.

4. The party no.1 has pleaded in the written statement inter-alia that the reference is not maintainable before this Tribunal, as this Tribunal has no jurisdiction to adjudicate the matter and the workman was a permanent employee and he was removed from service after a duly conducted departmental enquiry and as such, he should have approached the Central Administrative Tribunal. The further case of the party no.1 is that the workman was appointed on 26-11-1993 and during the period of unauthorized absence, he was working under the Foreman of Gondia as Khalasi and the workman was not sick from 4-12-1994 to 8-12-1994 and no medical certificate was produced by him and the workman remained absent from duties from 4-4-1994 to 1-7-1994, 3-7-1994 to 25-7-1994 and 27-7-1994 to 18-8-1994 unauthorisedly and as such, a charge sheet dated 29-9-1994 for unauthorized absence from duty was issued against him and the enquiry officer, Shri J.P. Tiwari conducted the enquiry on 16-10-1995 and 17-10-1995 and the workman participated in the enquiry and accepted the charges and the enquiry officer submitted his report on 20-10-1995 and a copy of the report was served on the workman on 1-11-1995, but the workman did not make any representation to the Disciplinary Authority and relying on the enquiry report, the Disciplinary Authority imposed the punishment of removal from service on 29-11-1995/1-12-1995 and the appeal filed by the workman was considered by the Appellate Authority carefully and vide order dated 25-2-2000, the appeal was dismissed and the enquiry was conducted as per rules and the Signatures of the workman were not taken on documents by the enquiry officer in the Divisional Office and the workman is not entitled for any relief.

5. As this is a case of removal of the workman from service, after holding departmental enquiry, the validity of the departmental enquiry was taken as a preliminary issue for consideration and by order dated 29-10-2011 the enquiry was held to be legal, proper and in accordance with the principles of natural justice.

6. It is necessary to mention here that the legal heirs of the deceased workman and so also the management did not appear in the case on 23-11-2010 and thereafter and as such, the case was closed on 22-11-2011 and was posted for award.

7. Perused the record including the pleadings of the parties and the evidence available. It is found that charge sheet was submitted against the workman by the Party No. 1 for remaining unauthorized absent from duty from 8-4-1994 to 1-7-1994, 3-7-1994 to 25-7-1994 and 27-7-1994 to 18-8-1994 and such charge was duly proved against the workman in a properly held departmental enquiry. During the enquiry, the workman admitted the charges of remaining unauthorized absent from duty. Hence, the findings of the Enquiry Officer cannot be said to be perverse. So far the punishment is concerned, serious misconduct was proved against the workman in a properly held departmental enquiry. The punishment imposed is not shockingly disproportionate to the proved misconduct against the workman. Hence, there is no scope to interfere with the punishment. It is therefore ordered:

ORDER

The action of the management of South Eastern Railway, Nagpur in removal from service to Shri Samaru S/o Ghasiram vide their letter dated 29-11-1995/1-12-1995 is justified. The workman or his legal heirs are not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 17 जनवरी, 2012

का.आ. 586.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चन्द्रपुर गड़चीरेली ग्रामीण बैंक के प्रबंधनार्थ के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, नागपुर के पंचाट (संदर्भ संख्या 38/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-01-2012 को प्राप्त हुआ था।

[सं. एल. 12012/281/1998-आईआर (बी-1)]
रमेश सिंह, डैस्क अधिकारी

New Delhi, the 17th January, 2012

S.O. 586.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38/1999) of the Central Government Industrial Tribunal-cum-Labour

Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Chandrapur Gadchiroli Gramin Bank, and their workmen, which was received by the Central Government on 17-01-2012.

[No. L-12012/281/1998-IR (B-1)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/38/1999

Date : 28-12-2011

Party No. 1 : The Chairman,
Chandrapur Gadchiroli Gramin Bank,
120/3, Mul Road, Civil Lines,
Old Warora Naka,
Chandrapur (M.S.)

Versus

Party No. 2 : Sri Dilip Namdeo Pillewar
20 Gopal Nagar, Usman Layout,
Nagpur-440012

AWARD

(Dated : 28th December, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Chandrapur Gadchiroli Gramin Bank and their workman Shri Dilip Namdeo Pillewar, for adjudication, as per letter No. L-12012/281/98-IR (B-1) dated 15-11-1999, with the following schedule:-

"Whether the action of the management namely Manager/Chairman, Chandrapur Gadchiroli Gramin Bank, Mul Road, Civil Lines, Chandrapur in dismissing Shri Dilip S/o. Namdeo Pillewar, Ex-Jr. Clerk-Cum-Cashier is legal, proper and justified? If not, to what relief is the workman entitled and from which date? What other directions are necessary in the matter?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the workman, Shri Dilip Namdeo Pillewar ("the workman" in short) filed the statement of claim and the management of Chandrapur Gadchiroli Gramin Bank ("party no. 1" in short) filed the written statement.

The case of the workman as projected in the statement of claim is that he was appointed as a junior clerk-cum-cashier in Chandrapur Gadchiroli Gramin Bank

on 17-11-1987, on probation for a period of one year and was posted to Korchi branch of the Bank and he successfully completed the probation period and was confirmed in the aforesaid post and continued to work in the same capacity with periodical transfers and postings, as ordered from time to time and he rendered his services satisfactorily, sincerely and honestly and his service record was absolutely clean and excellent, but with an ulterior motive to oust him from services, the party no. 1 made him a scapegoat by involving him in commission of alleged misconduct and issued a malafide suspension order dated 9-12-1992 and he was suspended from services w.e.f. 9-12-1992, in utter disregard to the principles of natural justice and before issuance of the suspension order dated 9-12-1992, neither any preliminary enquiry nor any investigation was made into the alleged misconduct and as such, the suspension order was initiated and on 9-3-1993, a charge sheet revealing four charges was issued against him, by the Chairman of the party no. 1 and on bare perusal of the charge sheet, it can be found that the same was merely an information about the initiation of the disciplinary enquiry against him and appointment of enquiry officer and the party no. 1 at no point of time called for any explanation from him on the alleged charges mentioned in the said charge sheet and thus, he was deprived of a fair and reasonable opportunity of being heard and to explain the alleged charges and the notice sent by the enquiry officer to attend the enquiry at the Head Office of party no. 1 on 12-4-1993 was received by him on 1-4-1993 and the enquiry officer conducted the enquiry in utter disregard to the principles of natural justice and without providing him a fair and reasonable opportunity to defend the case and the dismissal order, charge sheet and suspension order were passed by party no. 1 on the basis of his alleged admission, but in fact, he had never admitted the guilt and he was pressurized by the superior officers of the party no. 1, namely, Shri Jain, the Personnel Officer and Shri W. G. Piprali, the then Branch Manager to admit the alleged charges on the ground that on admission of the charges, no action would be taken against him, but he was served with the order of suspension on 9-12-1992, when he was serving in Nifandra Branch and during the course of the enquiry, he was never made aware of his right of being represented by a lawyer or a legal expert and the enquiry officer was a Branch Manager and the Presiding Officer was a person well versed in Law and the enquiry was conducted in violation of the principles of natural justice and the enquiry report was submitted on 26-7-1994 and in the enquiry, material witnesses were not examined and the evidence was not properly appreciated and the enquiry officer did not apply his mind independently to the materials on record and he was not given an opportunity to cross-examine the management witnesses effectively, since they were all his superiors and the Manager of the Bank and Personnel Officer, who had pressurized him were examined as

management witnesses and they deposed against him and the three managers of the Branch, under whom he had worked were not examined in the enquiry and the enquiry officer gave a perverse finding that all the charges levelled against him were proved and on 26-8-1994, a show cause notice was issued to him by the Chairman-Cum-Disciplinary Authority against the proposed punishment of dismissal from services and he submitted his reply on 11-10-1994, denying the charges and submitting that none of the charges levelled against him to have been proved in the enquiry and the Disciplinary Authority by order dated 2-1-1995 imposed the punishment of dismissal from services against him and the order was served on him on 7-1-1995 and the Disciplinary Authority did not apply his mind independently to the findings of the enquiry officer and with a bias and made up mind, awarded the punishment and the punishment is absolutely disproportionate and an amount of Rs. 15000 was already recovered from him and as such, the action amounted to double punishment for the alleged misconduct and therefore is illegal.

Prayer has been made by the workman to set aside the order of dismissal and to reinstate him in service with continuity and full back wages.

3. The party no. 1 in its written statement has admitted about the appointment of the workman as a junior clerk-cum-cashier and his confirmation in service. It is pleaded by the party no. 1 that the services of its employees are governed by Chandrapur Gadchiroli Gramin Bank (Staff) Service Regulations, 1983 and the Model Standing orders are not applicable. It is further pleaded by party no. 1 that the suspension order dated 9-12-1992 was passed to facilitate the departmental enquiry against the workman, in view of the fact that the allegations to be enquired against him were in respect of misappropriation of money deposited by the customers of the Bank and not as a punishment and as such, there was no question of violation of the principles of natural justice and as there was enough materials to show *prima facie* that the workman was indulged in the misconduct of misappropriation, the disciplinary enquiry was initiated by issuing the charge sheet and the workman was given fair and proper opportunity to defend himself in the enquiry and the workman was never pressurized to admit the charges and no assurance was ever given to the workman by any of its officers about non taking of action in case of admission of the guilt and the workman made admission of his guilt being confronted with the facts showing that he had misappropriated the amount and the question of making the workman aware of his right of being represented by a lawyer or legal expert does not arise, since under the Chandrapur Gadchiroli Gramin Bank (Staff) Service Regulations, 1983, neither the employer nor the employee is entitled to engage a legal practitioner in a departmental enquiry and the officer employed in the enquiry were not legal persons and all relevant evidence and witnesses were

produced in the enquiry and the findings of the enquiry officer are proper and the show cause notice issued on 26-08-1994 was accompanied with copy of the enquiry report as required under law and the reply submitted by the workman on 11-10-1994 was only a plea of mercy and the same did not show as to why the enquiry report should not be accepted and there was nothing in the same about the finding of the enquiry officer or procedure followed in the enquiry and in the reply filed by the workman, nothing had been mentioned about his having any grievance against the enquiry report and in that show cause, the charges leveled and proved against the workman were also not denied and the punishment imposed is not harsh and the same is in consonance with the misconduct and perusal of the order imposing punishment would show that the same is a reasoned order and the same was passed after taking in to consideration all the materials on record including the submissions made by the workman and though the workman was given the opportunity of personal hearing by the Disciplinary Authority, he did not avail the same and the question of the recovery of the amount misappropriated by the workman does not amount to a punishment and the workman was working in a very sensitive post of clerk-cum-cashier in a financial institution, where integrity has to be given the highest importance and any employee lacking integrity, cannot be permitted to work, since the bank holds amounts in trust for all its customers and it was proved beyond reasonable doubt that the workman indulged in misappropriation and also tampering with bank records to hide the misappropriation and lack of integrity on the part of the workman has to be viewed very seriously and hence, the punishment of dismissal is just and proper and calls for no interference. It is specifically pleaded by party no. 1 that the departmental enquiry conducted against the workman was proper and fair and the workman was given sufficient opportunity to defend himself and there is proper and cogent evidence on record to show that the workman committed the misconducts with which he was charged and there is nothing wrong in the enquiry report and the punishment order was passed after taking into consideration the gravity of the misconduct and the workman did not prefer any appeal to the appropriate Appellate Authority, even though, he was informed about his right to do so and the workman is not entitled for any relief.

4. It is necessary to mention here that as the workman remained absent since long and did not take any step in the case and none also appears on his behalf, the reference proceeded *ex parte* against him.

5. As this is a case of dismissal of the workman from services after holding a departmental enquiry, the validity of the departmental enquiry was taken up for consideration as a preliminary issue and by order 16-11-2011, the departmental enquiry held against the workman was found to be legal, proper and in accordance with the principles of natural justice.

6. At the time of argument, it was submitted by the learned advocate for the management that the findings of the enquiry officer are based on the evidence adduced in the departmental enquiry and the same are not perverse and commission of serious misconducts have been proved against the workman in a properly held departmental enquiry and the bank has lost confidence in the workman and the punishment of dismissal is not shockingly disproportionate to the serious misconduct committed by the workman and as such, there is no scope to interfere with the punishment.

7. Perused the record and found that the findings of the enquiry officer are based on the materials placed on record during the departmental enquiry. Proper reasons have been assigned by the enquiry officer in support of the findings. Hence, the findings of the enquiry officer cannot be said to be perverse. Serious misconducts have been proved against the workman in a properly held departmental enquiry. It is well settled by the Hon'ble Apex Court in number of decisions including the decisions reported in AIR 2003 SC-1571 (Chairman and Managing Director UCO Bank Vs. -P.C. Kakkar) and AIR 2004 SC-4761 (Divisional Controller, KSRTC Vs. A.T. Mane), on which reliance has been placed by the learned advocate for the management that the court should not interfere with the administrators decisions unless it was illogical or suffers from procedural impropriety or was shocking to the concise of the court, in the sense that it was in defiance of logic or moral standards and the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator and the scope of judicial review is limited to the deficiency in decision making process and not the decision.

Applying the settled principles as mentioned above to the present case at hand, it is found that the punishment imposed against the workman is not shockingly disproportionate and as such, there is no scope for interference. Hence, it is ordered:-

ORDER

The action the management namely of Manager/ Chairman, Chandrapur Gadchiroli Gramin Bank, Mul Road, Civil Lines, Chandrapur in dismissing Shri Dilip S/o Namdeo Pillewar, Ex- Jr. Clerk-Cum-Cashier is legal, proper and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 17 जनवरी, 2012

का.आ. 587.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 107/2000)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2011 का प्राप्त हुआ था।

[सं. एल-12012/39/1997-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 17th January, 2012

S.O. 587.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 107/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 8-12-2011.

[No. L-12012/39/1997-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, LUCKNOW**
PRESENT : DR. MANJU NIGAM, Presiding Officer

I. D. No. 107/2000

Ref. No. L-12012/39/97-IR(B-II) dated: 27-2-1998

BETWEEN

Sh. Puran Lal
S/o Ram Swaroop
H-17, Ambedkar Nagar
P.O. Shyam Ganj, Bareilly-243 001

AND

The Regional Manager
Central Bank of India
88-D, Civil Lines
Bareilly—243 001

AWARD

1. By order No. L-12012/39/97-IR(B-II) dated: 27-02-1998 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section(2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this Industrial dispute between Sh. Puran Lal, S/o Ram Swaroop, H-17, Ambedkar Nagar, P.O. Shyam Ganj, Bareilly and the Regional Manager, Central Bank of India, 88-D, Civil Lines, Bareilly to CGIT-cum-Labour Court, New Delhi; and subsequently transferred vide order dated 21-08-2000 to CGIT-cum-Labour Court, Lucknow for adjudication.

2. The reference under adjudication is :

“Whether the action of the management of Central Bank of India in terminating the services of Sh. Puran Lal daily paid worker w.e.f. 27-2-86 is legal and justified? If not, to what relief the said workman is entitled and from what date?”

3. The case of workman, Puran Lal, in brief, is that he was engaged by the bank on 13-08-84 as sub-ordinate staff on daily wages @ Rs. 10 day, and he worked accordingly, for more than 444 days. He has further alleged that the bank has terminated his services and appointed juniors in his place, ignoring the fact that he has completed 240 days' active service in a calendar year. Accordingly, the workman has prayed that his termination be set aside and he be reinstated with retrospective effect with full back wages and other consequential benefits.

4. The management of the bank has disputed the claim of the workman by filing its written statement, wherein it has stated that the workman was never appointed by the bank on any of the post hence, there arise no question of terminating his services w.e.f. 27-02-86. It has further submitted that the Branch Manager or Regional Manager have no power to appoint any person as daily paid worker, thus, there arise no relationship of master and servant between the management and the workman concerned. Accordingly, the management has prayed that considering the facts and circumstances of the case the claim of the workman is liable to be rejected. Furthermore, the management has also stated as per averments made by the workman the matter pertains to the alleged termination of the workman on 27-02-86, as such the matter is highly belated and accordingly, no relief can be granted to the workman.

5. The workman has filed his rejoinder, wherein he has not brought any new fact apart from reiterating the averments already made by him in his statement of claim.

6. The workman has filed documentary evidence in support of his claim whereas the management filed none. The workman examined himself whereas the management examined Shri S.C. Sharma, Sr. Manager in support of their claim. Parties availed opportunity of forwarding oral argument apart from submitting written arguments.

7. Heard representatives of the parties and scanned entire evidence on record.

8. The authorized representative of the workman has contended that in spite of the fact that the workman worked for more than 240 days in calendar year 84-85, on daily wages, his services were terminated w.e.f. 27-02-86; without any notice or compensation, in violation of the provisions contended in Section 25 F of the I.D. Act. He has also contended that the bank violated provisions of Section 25 H by appointing junior in place of the workman. He has further submitted that the claim of the workman cannot be rejected outrightly on the ground of delay as the workman raised industrial dispute, challenging his termination, in the year 1995. In this regard he has relied on 2001 SCC (L&S) 105 Gurmail Singh vs. Principal, Govt. College of Education & others, wherein it has been laid down that the Labour Court cannot dismiss the case of the workman merely on the ground of delay. If the order of dismissal is

challenged belatedly, the dispute would still continue for adjudication, the only question would be to deprive back wages for the period of delay in raising such a dispute if on merits it is to succeed.'

9. Per contra the authorized representative of the bank has argued that the claim of the workman is not maintainable in view of the fact that as per records of the bank no person in the name of Puran Lal was ever appointed in the bank, in as much as the workman has failed to discharge the burden that lied upon him by adducing any material documentary evidence to show that he worked for 240 days in a calendar year.

10. I have given my thoughtful consideration to the rival contentions of the representatives of the parties.

11. The workman in his statement on oath has stated that he has been engaged by the management of the bank on daily wages @ Rs. 10 per day as subordinate staff on 13-08-84 and he worked as such up to the year 1994 for 444 days. He further stated that he completed 240 days active service in the bank and he has been deprived of his legitimate rights available to a temporary workman on completion of 90 days active service. In cross-examination he stated that he was not issued any written appointment letter and was paid, weekly, on daily basis @ Rs. 10 per day, which was later increased to Rs. 25 per day. He has further stated that he worked since morning till evening and worked for 280 days in 1984-85, 66 days in 1985-86 and 88 days in 1994; and he did not work in remaining years. In support of his statement he has filed photocopy of four vouchers, paper No. 2/23 to 2/26, which pertain to payments made to the workman on four different occasions in the year 1984.

12. In rebuttal, the management witness, Shri S.C. Sharma has stated that the workman was never appointed by the bank on any post, as such, there exists no relationship of employee and the employer between the workman and the bank; and also there arise no question of making him any payment @ Rs. 10 per day or that of terminating his services w.e.f. 27-02-1986. In cross-examination he has stated that the management tried to find out the vouchers demanded by the workman but could not find any.

13. In the instant case, the workman come forward with the case that he has been engaged as daily wager by the bank management on 13-08-84 and put in for more than 444 days of continuous service up to 1994; and his services has been terminated; whereas the management of the bank denied of making any engagement of the workman at any point of time. It is settled law that a party challenges the legality of order the burden lies upon him to prove illegality of the same. In the instant case the burden was on the workman to set out the grounds to challenge the validity of the action of the management of Central Bank of India in terminating his services by putting cogent evidence

and in the event of denial it was incumbent upon the workman to prove that he actually worked for 240 days continuously in preceding twelve months from the date of his alleged termination. In this regard, apart from pleadings, the workman has filed photocopy of certain payment vouchers, pertaining to the year 1984 and his cross-examination himself has stated that he worked for 280 days in 1984-85, 66 days in 1985-86 and 88 days in 1994; and he did not work in remaining years. Though in the petition it was stated that the workman had worked for 444 days since 1984; but nowhere it is mentioned that as when from when to 1994 he worked for 444 days.

14. The workman has not filed originals of the vouchers filed by him; however, he summoned certain documents vide its application dated 03-08-2001, which was rejected vide order dated 20-11-2001 due to non pursuance of the workman as 'not pressed'.

15. The terms of the reference says that this Tribunal has to adjudicate upon the validity of action of the management in terminating the services of the workman w.e.f. 27-02-86 and in this regard it is pertinent to mention here that the workman did not make any specific pleading that his services have been terminated on 27-02-86. Rather he pleaded that lastly worked for 88 days in the year 1994 and has not specified any particular date on which his services have been terminated. The law requires that 240 days working has to be calculated in the preceding twelve months from the date of alleged termination; but neither in the statement of claim nor any where in affidavit the date of termination is disclosed. In reference order 27-02-86 was mentioned as the date of termination of Pooran Lal, hence this Tribunal has to calculate 240 days in preceding twelve months from 27-02-86, the alleged date of termination.

In 2005 (107) FLR 1145 (SC) Surenderanagar Panchayat and another v. Jethabhai Pitamberbhai Hon'ble Apex Court came to the conclusion that where the workman failed to prove that he had been in employment with the employer for a period of 240 days uninterruptedly, he not entitled to protection in compliance of Section 25-F of the Industrial Disputes Act, 1947. It was held by the Hon'ble Supreme Court that the scope of the enquiry before the Labour Court was confined only to 12 months preceding the date of termination to decide the question of the continuous service for the purpose of Section 25-F of the Industrial Disputes Act, 1947. Further, Hon'ble Apex Court has observed as under:

"The claimant, apart his oral evidence has not produced any proof in the form of receipt of salary or wages for 240 days or record of his appointment or engagement for that year to show that he has worked with the employer for 240 days to get the benefit under Section 25-F of the Industrial Disputes Act. It is now well settled that it is for the claimant to lead evidence to show that he in fact worked for 240 days in a year preceding his

termination."

16. Thus, in view of the discussions made above, it comes out that the initial burden of establishing the fact of continuous work for 240 days in preceding twelve months from the date of alleged termination i.e. 27-02-86 was on the workman but he has failed to discharge the above burden; moreover, his own statement that he worked for 66 days in 1985-86 and 88 days in 1994 goes against him. Also there is no reliable material for recording findings that the workman had worked more than 240 days in the preceding year from the date of his alleged termination i.e. 27-02-86; and the alleged action of the management was illegal or unjustified.

Accordingly, the reference is adjudicated against the workman Puran Lal and in my opinion he is not entitled to any relief.

Award as above.

LUCKNOW

30-11-2011

Dr. MANJU NIGAM, Presiding Officer

नई दिल्ली, 17 जनवरी, 2012

का.आ. 588—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2, धनबाद के पंचाट (संदर्भ संख्या 144/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-12-2011 को प्राप्त हुआ था।

[सं. एल-12012/123/1997-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 17th January, 2012

S.O. 588—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 144/1997) of the Central Government Industrial Tribunal/Labour Court No. 2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 05-12-2011.

[No. L-12012/123/1997-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT

SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 144 of 1997

PARTIES: Employers in relation to the management of Bank of India and their workman.

APPEARANCES:

On behalf of the workman : Mr. D. Mukherjee,
Advocate

On behalf of the employers : Mr. D.K. Verma,
Advocate

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. I-12012/123/97-JR(B-II) dt. 28-11-97.

SCHEDULE

“Whether the action of the management of Bank of India, Jamshedpur in dismissing Smt. Indravati Devi, Ex.-Staff subordinate from service is correct and justified? If not, to what relief the employee is entitled for?”

2. The case of workman Smt. Indravati Devi is that she was appointed as Subordinate Staff on 17-8-81 at Jamshedpur Main Branch on compassionate ground of prematurity death of her husband late Lalita Prasad on 25-10-80. The charge against her for the alleged missing incidence of Rs. 50 denomination packet worth Rs. 5000 on 30-4-94 and its subsequent retrieval on the same was baseless and fabricated. She is a poor and illiterate lady of a backward community. She under force/coercion put her signature on some paper in the chamber of Mr. Ashis Sanyal the then Chief Manager of Jamshedpur Main Branch. Later on she knew about the conversion/alteration of the same paper as her confessional statement including her responsibility for removal of the aforesaid note packet. The preparation of the document was motivatedly for her victimisation. She was firstly meted to gross injustice by her suspension w.e.f. 7-4-94 for not less than 15 months as per order Ref. No. RO/IR/94-95/0193 dt. 7-5-94 followed by her removal from service since 28-7-95. She was chargesheeted under No. RO/IR/94-95/0664 dt. 3-8-94 without calling for an explanation just as in her suspension. It is further alleged that the issuance of the chargesheet and the departmental proceeding was quite vindictive and biased, as Mr. Ahish Sanyal, the erstwhile Chief Manager of Jamshedpur, and then the Regional Manager who was the Ex. Officio Disciplinary Authority of the Region, and accordingly she was biasedly awarded the punishment of dismissal without any evidence oral or documentary against her concerning the recovery of alleged misplaced packet of notes from her possession or her involvement therein, except its retrieval whiles she was inside the chamber of the aforesaid the then Chief Manager.

There were three persons working at the Cash Counters handling the notes at the relevant time, but she was the only person to be put under the ambit of suspicion for her victimisation. So she could not be held responsible for its misplacement. Moreover, her alleged concocted confessional statement was held as inadmissible evidence by the Enquiry Officer in the departmental enquiry, yet the Enquiry Officer biasedly held his finding that the alleged charges has proved which was imaginary, and she was not given an opportunity to explain her innocence before the commencement of the Enquiry which was held against the principle of natural justice. As such the gravity of the punishment inflicted upon her based on merely the hypothetical conclusion of the biased Enquiry Officer is legally inferrable.

Further pleading of the workman in her supplementary Written Statement irrespective of the aforesaid her repeated facts is that biased Enquiry Officer completed the empty formalities of the Enquiry in utter violation of the principle of natural justice, his findings was perverse; the is suance of chargesheet and the dismissal order was done by an unauthorised person and lastly that her dismissal was too harsh and disproportionate to the alleged guilt.

3. Contra-pleading of the management justifying her dismissal as per letter dt. 28-7-95 as legal and justified, is that the concerned lady was posted as Subordinate Staff at Jamshedpur Main Branch of Bank of India in the year 1994. On 30-4-94 at about 11.45 A.M. missing of a packet of 50 rupees denomination currency notes worth Rs. 5000 from the Cash enclosure of the Cash Counter No. 5 of Shri K.K. Swamy, the Cashier-cum- Accounts Clerk who was assigned to perform his duty at the Counter, was reported by him to the Chief Manager and others. Investigation immediately set in and several persons were interrogated in the office of the Chief Manager. The concerned lady (the work woman) who was attached to the aforesaid Cash Counter to serve as a Subordinate to aforesaid the Cashier-cum- Accounts Clerk, was suspected of temporary concealment work the Cash at some convenient place. On her interrogation she confessed to have removed the said packet of the currency note and to have kept it at a place within the cash enclosure and on the basis of her confession, the same currency note was recovered. And she was accordingly charged for misconduct of attempted theft and misappropriation of the Bank Money as per the Clause 9.5 (J) of the First Bipartite Settlement dt. 19-10-1966 which deals with "doing an act prejudicial to the interest if the Bank or gross negligence of negligence involving or likely to be involved the Bank in serious loss", as per the Charsheet dt 3-8-1994 along with the Memorandum dt. 3-3-94 Shri K. C. Bandopadhyaya was appointed as the Enquiry Officer as per the Memorandum. She was informed of the fact with an advice to her to submit her reply to the charges levelled against her and to participate in the enquiry along with a defence

representative of her choice. She was permitted to appoint an Office Bearer of the Trade Union of the Bank Employees to which he belongs. Shri D. K. Roygatak, the Staff Officer, Circle House Branch was appointed as the Presenting Officer to represent the case in behalf of the management before the Enquiry Officer. The work woman appointed Shri K. D. Sarkar as her defence representative. The departmental enquiry was fairly and properly in accordance with the principle of natural justice conducted by the Enquiry Officer in presence of her and aforesaid representative who were given full opportunity to cross-examine the management witnesses as well as for her defence witnesses. But she never raised any objection either against the Enquiry Officer or the Presenting Officer or the procedure of Enquiry, though her first request to engage an Advocate for her defence was regretted by the Management, thereafter she engaged her aforesaid defence representative. After due enquiry, the Enquiry Officer submitted his Enquiry Report dt. 8-2-95, holding her guilty of the charges levelled against her.

Further it is alleged that before the final order, the Disciplinary Authority issued her a notice along with a copy of enquiry report for her necessary submission prior to the imposition of penalty of dismissal from service. She and her representative by appearing before the Disciplinary Authority on 12th July, 95 at 4 P.M. made their submissions and argument. On the consideration of all the matters related to enquiry, the Disciplinary Authority passed the final order dt. 28-7-95 dismissing her from her service as per the provision of the Bi-partite Settlement. Her appeal as per her letter dt. 14-9-95 was also dismissed by the Appellate Authority as per its order dt. 13-12-95, resulting in the approval of her penalty as ordered by the Disciplinary Authority. She raised the present dispute before the ALC(C), the conciliation Officer at whose recommendation, the reference came up before the Tribunal for adjudication.

4. Categorically denying the allegations of the work woman, the management in its rejoinder has pleaded that her statement of confession as to the removal of aforesaid packet of currency notes was voluntary under her signature. In fact, she was kept under suspension during the pendency of the Enquiry and thereafter she was legally removed from her service as per order dt. 28-5-95. The confessional statement of an accused is admissible in the evidence as per the provisions of law and the punishment is imposable merely on it without holding an enquiry, though the Enquiry Officer in his finding declared her guilty of the charges independently, as such the finding of the Enquiry based on evaluated evidence and her confession served as a corroborated evidence to the finding of the Enquiry Officer. Hence, the work woman is not entitled to any relief.

FINDING WITH REASONING

5. In the instant case consequent upon declaring

the domestic enquiry as unfair improper and against the principle of natural justice as per order dt. 25-3-03/2-5-03 of the Tribunal over the evidences of both the parties on preliminary point, thereafter four witnesses namely MW-1 Mr. K. Kumar Swamy, the Cashier-cum-Accounts Clerk, MW-2 Kola Venkatraman Murthy, MW-3 Ansu Gupta, the Clerk and MW-4 K. Basdev Pai, the Special Assistant on merit in behalf of the management and WW-1 Indravati Devi, the work woman herself as per her affidavited deposition and cross-examination on merit have been examined.

6. The Statement of MW-1 M. Kumar Swamy, the Cash-cum-Accounts Clerk at Jamshedpur Main Branch Bank of India is that on 30-4-94 while attached to the Cash department as the 5th Man assigned to the duty of counting denomination of currency received two bundles of 100 Seven packets of 50, three packet of Rs. 10 and one bundle of Rs. 5 notes, each bundle consisting of 100 pieces total Rs. 58,500 from the Cashier of the Receipt Counter, and after counting the currency, he properly made bundles of the notes in 100 pieces, affixed flap of the Bank, signed the flap and then handed over to lady sub-staff Indravati Devi engaged with him, for pinning in the same single enclosure in which all the aforesaid works were carried out and she had pinned all the bundles when he intended to hand over it to the receipt counter, he found one bundle of 50 rupees notes missing from the table, on search for it, he could not trace out it, then on his report of it, the Cash Officer also searched for it, and could not find it, then he reported the matter to the Branch Manager, at whose call, when he (MW-1) entered the chamber of the Branch Manager, the latter told him about the said bundle to have been traced out; he came back to his cash enclosure, and the said bundle of the notes was recovered from the floor of the counter No. 5, which was closed on that date, but he could not say who kept it there. His statement was recorded by the Enquiry Officer in the domestic enquiry, stating the same facts as deposed. But the witness MW-1 denied the suggestion that the female worker was not on duty with him at the relevant time.

7. MW-2 Kola Venkat Ram Murthy who was posted at Dhatkari Branch of the Bank at the relevant time is not the eye witness to the occurrence except to its latter part. His statement reveals that he had gone to the Jamshedpur Main Branch on that day, then he heard an alarm/noise about the missing one packet of notes of Rs. 50. So the Chief Manager had though got the Bank's door closed, yet at his request, permitted him and the customers to enter the Bank; He was called in to the chamber of the Chief Manager of the Bank, meanwhile all the persons of the Cash Department were called and enquired one by one; and after the enquiry of Ansu Gupta and Indravati Devi (workman) in course of enquiry from Mr. K.K. Swamy (MW-1), the intercom message was about the missing packet of the note to have been found, and the aforesaid Chief Manager told that if any person took the money he should

inform otherwise police case would be instituted. The witness has stated that Mr. Swamy had not given any statement before him about entrusting the aforesaid packet of the notes concerned to Indravati Devi for its stitching, and that the packet of the notes in issue to have been found was reported by Vupat Rai Parekh, the Cashier Officer who had been dismissed from the Bank for defalcation of money. But the version of this witness about the threat and raising hands by the Chief Manager for assault towards Indravati Devi for accepting the guilt does not appear in his statement in the domestic enquiry rather his statement in enquiry related to the word 'Undue meant during threatenings only'. Hence the witness appears to be unreliable.

8. MW-3 Ansu Gupta, the then Cash-cum-Accounts Clerk in the Main Branch Jamshedpur of the said Bank at the relevant time, has stated that while he was at the counter, due to rash there the money was given to 5th Man who sits in the same enclosure of the Cash Department for counting as per pay-in-slip so as to attend the next man, and on 30-4-94 Mr. Swamy (MW-1) was the 5th man and in course of cash counting, he heard alarm (Hollah) about missing of note, and he was too busy in his work to say what happened in the Bank and he found that the note was lying below the last counter. He further stated not to have recollected the name of particular person who was assigned to the work of stitching the notes and in the case, Indravati Devi was given chargesheet, in course of which his deposition was recorded under his signature. According to this witness, it is stated to have joined other persons searching for the notes after completing his work, and then he located the notes lying on the floor of the last counter, and abandoned one, though every counter was separate and on that day, Indravati Devi posted in the Main branch was posted at the Cash Counter. Unrecalling of Indravati Devi and Mr. Swamy into the chamber of the Chief Manager for their presence at the time of the receipt of the intercom message about the note bundle to have been found, he has alleged not to have seen any order for the posting of the lady worker in the Cash Section at the relevant time, though the Manager after calling him had threatened of lodging an FIR against him.

9. MW-4, K Basdeo Pai, the then Accounts Clerk in C.D. department of Main Branch, Bank of India, has stated that on that day i.e. 30-4-94 Mr. Swamy and Indravati Devi were posted in the Cash Department, and at about 11.45 consequent upon an alarm (Hullah) about the missing of packet of notes, the Cash Section was bolted from outside as per the direction of the Chief Manager, into whose Chamber there was interrogation and Indravati Devi was also interrogated about it. By not recalling if the signature Indravati Devi was on the document the document bearing the signature of MW-4 (enquiry witness K. B. R. Murty) the witness has asserted the missing packet of the note to have been found. In his cross-examination, he claims to have stated the statement also under his signature on Ext.

M-1, (the alleged confessional statement of the work woman) was written by Shri B. D. Mishra at the dictation of Chief Manager, A.K. Sanyal and it did not contain "Smt. Indravati Devi ka niji Bayan" as well as procuring his signature coercively on M.E.-1, (the aforesaid document) by the aforesaid Chief Manager, during the enquiry. The witness has stated not to have seen the work woman removing the Packet of the note for possessing it. But the statement of the witness just as that of MW-2, K.B.R. Murty about raising the hands of the Chief Manager to assault her finds no place in his statement in course of Enquiry proceeding.

10. On the other hand, specifically asserting no entrustment to her with a packet of Note in issue for pinning it either on 30-4-94 or any date, work woman Indravati Devi as WW-1 has stated that on the said date at the alarm of missing of a packet of Rs. 50 denomination total Rs. 5000 every body started for searching for it and on its report, the Chief Manager called her, Mr. K.K. Swamy and other employees of the Cash Department namely Shri Kola Venkataraman Murty (MW-2), K. V. Pai (MW-4) and K. V. Rao who were present in his chamber and enquired from her about it, in course of which the Chief Manager received an intercom message about the missing packet of the note to have been found. Putting her complete innocence she has stated not only the threat but also the assault by the Chief Manager upon her for accepting the guilt on the alleged ground of concealing the packet of notes for putting her signature on a paper prepared on his dictation, and accordingly her dismissal was illegal arbitrary unjustified and against the principle of natural justice, by unauthorised person as stated by her, but she in her cross-examination admitted that she worked as a Peon in the Cash Department of the Bank of India, Main Branch Jamshedpur, though she was also interrogated about the missing of the disputed packet of not of Rs. 50 denomination worth Rs. 5000 on the said date, yet she denied to have caused to commit its theft by her. She was chargesheeted for it, to which she had replied.

11. Mr. D. Mukherjee, the Learned Advocate for the workman, referring three authorities (to be cited under brackets) submits that 'The record of enquiry held by the Management' ceased to be "material on record" within the meaning of Section 11A of the Act and the only course open to the Management was to justify its action by leading fresh evidence as required by the Labour Court; and if such evidence has not been led, the Management has to suffer the consequences [F.L.R. 1999 (81) 188 (SC) (DB) Neeta Kapilash V.P.O, Labour Court]. But in the case, the Management has led a fresh evidence to justify its action towards the work woman after declaration of the domestic enquiry as unfair by the Labour Court.

Further submission of Mr. Mukherjee for the workman is that 'Departmental proceedings being a quasi judicial proceeding, the charges levelled against the delinquent officer must be found to have been proved,

but management witnesses merely tendered the documents and did not prove the contents thereof and as such the F.I.R. relief upon could not be treated as evidence [2009 LLR 252 (SC) (DB), Roop Singh Negi-versus- Punjab National Bank & Ors-B.] and that ' Disciplinary Enquiry found to be fair and lawful and its findings were not vitiated in any matter, so the direction by the Labour Court in the facts for reinstatement of employee with 70% back wages on ground that erring workman should be given opportunity to reform himself, and to prove to be loyal and disciplined employee of the company, as such interference and reinstatement by the Labour Court was not illegal 1989 Lab. I.C.1043=AIR 1989 SC 149, Scootar India, Ltd., Luck Vs. Labour Court, Ltd (paras 1 to 7). The perusal of the case record in the light of aforesaid authorities I find that in this case, the enquiry officer concened has already held the alleged confessional statement of work woman Indravati Devi (ME-1) under her signature bearing the signature of Mr. K.B. Rao (Ext. M-1) is inadmissible. Therefor, none of the aforesaid two former authorities being distinct from the factum of the present case under adjudication, holds good with the case.

10. Whereas Mr. D. K. Verma, the Ld. Advocate for the management has to contend that work woman never alleged attempt to/assault by the Chief Manager for giving her confessional statement, though she signed her statement, so she may not detract from her confessional statement; that she was found responsible for stitching notes and concealing one bundle at the relevant time as per the statements of all the witnesses of the management, and that her dismissal in view of bank financial transaction being sensitive was quite just.

11. On the critical appreciation of the afresh evidence of the management and of the workwoman I find that the workwoman as Sub-staff was with Mr. K. Kumar Swamy (MW-1), the Cash-cum-Accounts Clerk engaged to perform his duty as the 5th man in the Cash Department of Jamshedpur based Main Branch, Bank of India, on 30-4-94 and whose job was counting the currency and making bundle of notes in 100 pieces, for which the Sub-Staff was handed over the bundle of notes for pinning it after affixing of the flaps of the Bank and signature of aforesaid Mr. Swamy thereupon in the enclosure of the Bank. According to the statement of Mr. Swamy (MW-1), after making the note bundles of the amount Rs. 58,500 received from the receipt counter, when he intended to hand over to the receipt counter, he found missing of one bundle of Rs. 50 rupees note from the table and it was the Sub-Staff Indravati Devi who was with him had pinned all the bundles, and on its search for it was untraced, so on his report to the Cash Officer who was also searched for it and than informed the Branch Manager in whose chamber while he was being interrogated, the Manager told him that the said missing bundle was traced out which was recovered from the floor of Counter No. 5. Similar is the statement of other witnesses of the management. But there

is no direct evidence against the workwoman as to the charge of theft and concealment of the amount in dispute rather by implication it has been tried to prove the aforesaid charge as per her Chargesheet (M-1/1) amounting to gross misconduct under clause 9.5 (j) of the first bi-partite settlement concerned. The Enquiry Report (Ext. M-4) impliedly imputed her to the aforesaid allegation. But the workwoman was never given second show cause by the management for her personal hearing prior to her dismissal from service on the aforesaid alleged charges as per penalty order dt. 20-7-95 (M-5) which seems to be violative of the natural principle of justice. Moreover, the punishment of dismissal to her is shockingly a heavy stroke to her belly tantamount to her death economically in proportion to the first hand alleged charge. As such I find and hold that the punishment of dismissal towards the workwoman being illegal is set aside, and accordingly it is therefore, held that the action of the management of the Bank of India, Jamshedpur in dismissing Smt. Indravati Devi, ex-staff subordinate from service is not legally correct and justified. Hence she is entitled to her reinstatement in her service with 75% back wages and other consequential benefits from the date of her dismissal to the date of her reinstatement. The management is directed to implement the Award within a month from the date of the publication of the Award in the Gazette of India.

KISHORI RAM, Presiding Officer

नई दिल्ली, 17 जनवरी, 2012

का.आ. 589.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 79/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-01-2012 को प्राप्त हुआ था।

[सं. एल-12012/166/2008-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 17th January, 2012

S.O. 589.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 79/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of State Bank of India, and their workmen, received by the Central Government on 17-01-2012.

[No. I-12012/166/2008-IR (B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Monday, the 2nd January, 2012

Present : A.N. JANARDANAN, Presiding Officer

INDUSTRIAL DISPUTE No. 79/2009

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of State Bank of India and their Workman)

BETWEEN

Sri M. Tamilarasan : 1 Party/Petitioner

Vs.

The Chief General Manager : 2nd Party/Respondent
State Bank of India
Local Head Office
Chennai-600006

Appearance:

For the 1st Party/Petitioner : M/s. Balan Haridas,
Advocates

For the 2nd Party/Management : Sri R. Gopalarathnam,
Advocate

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/166/2008-IR(B-1) dated 27-08-2009 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of State Bank of India in terminating service of Sri. M. Tamilarasan, is justified? If not, what relief is the workman concened entitled?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 79/2009 and issued notices to both sides. Both sides entered appearance through their advocates and filed their Claim Statement and Counter Statements as the case may be.

3. The case in the Claim Statement briefly is as follows:

The petitioner who joined service under the Respondent on 27-12-1998 as Clerk-cum-Cashier was suspended on 24-04-1997 allegedly for committing fraud in SB Account. A complaint was also lodged against the petitioner in Arni Town Police Station on 14-11-2002 under IPC, taken on file as CC 383/2002 by the Judicial Magistrate, in which he was acquitted on 16-5-2005 under Section-248(1) of Cr PC. Respondent issued a Charge Memo dated 4-8-1998 containing 11 allegations to which he gave

explanation on 15-10-1998 denying the charges. A farce enquiry was held without reasonable opportunity to him to defend. A finding was arrived on 31-12-2001. A writ had been filed before High Court challenging Charge Memo and Enquiry Report even during the pendency of which petitioner was dismissed on 9-2-2002. Appeal was rejected on 7-12-2004. Charge No. 3 and 7 were held not proved by the Enquiry Officer. The charges are that (i) petitioner withdrew cash on various dates from the account of one Sri C. Balasubramanian on 9 occasions, (ii) on 21-8-1996 he withdrew Rs. 5,000 from that account which was credited towards “Medicaid (iv) on 25-11-1996 he made fictitious entry of Rs. 5,500 in the account of C. Balasubramanian to facilitate fraudulent withdrawal of Rs. 5,000 on the same day (v) on 23-12-1996 he made fictitious credit entry of Rs. 6,000 in that account to fraudulently withdraw Rs. 6,000 on the same day (vi) on 19-3-1997 petitioner unauthorizedly received Rs. 10,000 from one Mrs. Shanth but did not account the money after issuing pass book with bogus account number and issued counterfoil (viii) on 9-11-1996 petitioner received banker cheque for Rs. 18,441 from Sri S. Venkatesan and made unauthorized credit entry and received the payment and misappropriated the amount (ix) to cover up 8th charge he made corrections in the ledger sheet (x) he received Rs. 6,000 on 9-11-1996 from one G. Dhanapal but did not credit the same and misappropriated it (xi) on 15-3-1997 he gave only Rs. 4,000 against withdrawal of Rs. 5,000 and informed the withdrawer that the balance would be paid by V. Rajasekaran and made a debit entry of Rs. 5,000 on 15-3-1997. The allegations were not proved in the enquiry with any materials to prove forging of signature by him. PW1 who falsely deposed was not allowed to be cross-examined by the petitioner. His evidence was relied upon for the finding. In the absence of withdrawal slips the charges were not proved. Finding is perverse. Customer, C. Balasubramanian was not allowed to be cross-examined. It was not proved that ledger entry was made by the petitioner. On surmises and conjectures the ledger entry and the charges are held proved against the petitioner. Charges were held proved in a perverse manner. PW2 Shanthi was not permitted to be cross-examined. PW3 S. Venkatesan was also not permitted to be cross-examined. That alterations in the ledger sheet were made by the petitioner is not proved. Customer in respect of 10th charge is not examined. Entry in Pass Book is not proved to be done by the petitioner. V. Rajasekaran in respect of 11th Charge is not examined. The enquiry was unfair. Sufficient opportunity was not given to the petitioner. The orders of the Disciplinary Authority and the Appellate Authority are non-speaking. There is no application of mind by them in imposing dismissal which is illegal and perverse. The petitioner has been without employment thereafter. The punishment is grossly disproportionate. The same is to be interfered with under Section-11A.

4. The Counter Statement allegations briefly read as follows:

For the misconducts among the 11 charges imposed against the petitioner 3rd is that petitioner removed and destroyed the withdrawals/transactions sheets of the accounts in most of the cases and 7th charge is that on 8-1-1997 he received Rs. 4,000 from one K. Perumal, his relative and issued him an SB Pass Book with bogus account number viz. 69/12998 signed by him and made unauthorized entry therein which money was not accounted with opening any SB Account in his name thus misappropriating the money. Charges 1 and 2 and 4 to 6 and 8 to 11 have been described in the Claim Statement. Petitioner thus causing serious loss acted prejudicially to the bank and he is liable for misconduct under Para-521-4J of the Sastry Award. Petitioner did not cooperate with the enquiry and deliberately avoided it and attempted to delay it. He took several adjournments. On 5-2-2002 dismissal without notice was imposed on the petitioner after observing all the formalities. In appeal the same was confirmed on 07-12-2004. It is denied that the punishment is illegal and arbitrary. Punishment was passed before the date of acquittal by the Criminal Court. The enquiry is not farce. The punishment is legal and justified. There is no violation of principles of natural justice. The petitioner adopted an attitude of non-cooperation. The charge is proved with adequate oral and documentary evidence. The enquiry was not perverse. It is denied that charges were held proved on surmises and conjectures. The orders are not non-speaking ones. Petitioner betrayed the confidence of the Management reposed in him. The claim is to be dismissed.

5. At the time of enquiry the learned counsel for the petitioner pointed out that the fairness of the enquiry is in challenge and the same has to be decided as a Preliminary Issue and accordingly heard both sides.

6. As per order dated 7-7-2011 finding on the Preliminary Issue as to whether the domestic enquiry is fair and proper was passed and it was held that the same is fair and proper.

7. The matter was further proceeded with but no further evidence having been adduced by either side, arguments were heard.

8. Points for consideration are:

- (i) Whether termination from service of Sri M. Tamilarasan from SBI is justified?
- (ii) To what relief the concerned workman is entitled ?

9. Evidence consists of EX.W1 to EX.W10 on the petitioner's side and EX. M1 to EX. M7 on the Management's side, all marked on consent with no oral evidence adduced on either side.

Points (I) & (II)

10. Heard both sides. Perused the records and documents. The arguments advanced on behalf of the petitioner mainly include that the withdrawal slips which are basic documents having not been produced before the enquiry evidence is wanting. The Charge Sheet does not contain statement of allegations. The absence of the withdrawal slips has led to wrong presumption that they are destroyed which is not sufficient proof. The finding cannot stand judicial scrutiny. There is no proof to show nexus of the petitioner with the counterfoil. Finding is based on surmises and conjectures. An instance of misappropriation is to be proved with cogent evidence. From among the 11 instances of charges of which some are not held proved negligence is attributable to Officers too but no action has been taken against them, whose complicity cannot be ruled out. In Criminal Case the petitioner has been acquitted on merit. Though Evidence Act is not strictly applicable, underlying principles are to be applied. Evidence of witnesses not cross-examined has to be eschewed viz. that of PW1, PW2 and PW3. Request for cross-examination was not allowed. Evidence is to be re-appreciated under Section-11A. Punishment is shocking and disproportionate to the gravity of the offence.

11. Contra arguments on behalf of the Respondent are that the Withdrawal Slips in most cases had been destroyed and were not available. It does not mean that charges, as a whole, are not proved at all. Whatever available is enough by way of some evidence. There is no testimony from the petitioner. There is no whisper regarding enmity or malafides against the complainants. Signature of the petitioner has been identified on relevant documents. There is no taboo even to hearsay evidence. Petitioner is shown to have had met the complainants to withdraw the case. Petitioner is shown to have received the amounts. There is no question of discrimination between the workman and other Officers who have no demonstrable roles in the misconduct. The culprit, who is the beneficiary should not go unpunished. The act of the petitioner is prejudice to the interests of the bank. The misconduct is grave in nature and there is no scope to interfere with the punishment. The acquittal before the Criminal Court is not on merit. The acquittal is a technical one. Subsequent acquittal by the Criminal Court is not relevant in disciplinary proceedings. Punishment is within the discretion of the authority and the role of Tribunal is only mediocre.

12. Reliance was also placed on a number of decisions on behalf of both sides. The petitioner relied on the decisions in:

MEENGLAS TEA ESTATE VS. ITS WORKMEN (CDJ-1963-SC-043) wherein Supreme Court held as follows "It is an elementary principle that a person who is required to answer a charge must know not only the accusation but also the testimony by which

the accusation is supported. He must be given a fair chance to hear the evidence in support of the charges and to put such relevant questions by way of cross-examination as he desires. Then he must be given a chance to rebut the evidence led against him. This is the barest requirement of an enquiry of this character and this requirements must be substantially fulfilled before the result of the enquiry can be accepted. A departure from this requirement in effect throws the burden upon the person charged to repel the charge without first making out against him".

INDIAN AIRLINES AND OTHERS VS. W.B. CORREYA (1978-2-LLJ-437) wherein Hon'ble High Court of Madras held "It is well recognized that the principal aims of cross-examination are so destroy material particulars of the evidence-in-chief, to weaken the evidence where it cannot be destroyed; to elicit new evidence helpful to the party cross-examining and to undermine the witness to shake his credit by showing that he cannot be trusted to speak the truth or that he is depositing, however honestly, to matters to which he has not real knowledge. It has always been recognized that cross-examination is the most effective and efficacious test which law has devised for the discovery of truth. Consequently any impairment of this right, whether deliberately or accidentally, will have the effect of preventing a person who cross-examines from establishing the truth".

13. On behalf of the Respondent reliance was placed on the following decisions in:

STATE BANK OF BIKANER AND JAIPUR VS. NEMI CHAND NALWAYA. (2011-4-SCC-584) wherein the Apex Court held "10. The fact that the criminal court subsequently acquitted the respondent by giving him the benefit of doubt, will not in any way render a completed disciplinary proceedings invalid nor affect the validity of the "finding of guilt or consequential punishment. The standard of proof required in criminal proceedings being different from the standard of proof required in departmental enquiries, the same charges and evidence may lead to different results in two proceedings, that is, finding of guilt in departmental proceedings and an acquittal by giving benefit of doubt in the criminal proceedings. This is more so when the departmental proceedings are more proximate to the incident, in point of time, when compared to the criminal proceedings. The findings by the criminal court will have no effect on previously concluded domestic enquiry".

STATE BANK OF TRAVANCORE VS. LABOUR COURT, KOZHIKODE AND ANOTHER order dated 30-09-2008 in W.P. (C) No. 28815 of 2006 E it was

held "Even it is assumed for the sake of argument that it was impossible for the workmen to have committed the misconduct without the connivance of others, that does not in any manner dilute the gravity of the misconducts committed by the workmen".

B.C. CHATURVEDI VS. UNION OF INDIA AND OTHERS (1995-6-SCC-749) wherein Apex Court held "Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the Disciplinary Authority is entitled to hold that the delinquent officer is guilty of the charge.

14. It is already found that the enquiry is fair and proper. The finding that the petitioner is guilty of the misconduct cannot be assailed as perverse in that it has been rendered on legal evidence. There is no question of adequacy of evidence to warrant the finding if upon the materials the authorities are satisfied that the delinquent could properly and legally be found to be guilty having regard to the available evidence, circumstances and materials which are enough to justify such a conclusion. There cannot be said to be any violation of principles of natural justice in holding the enquiry in an ex-parte manner as such a course was adopted after having been given to the petitioner sufficient opportunity to participate in the proceedings. What is important is to give opportunity to the delinquent. When once he does not make use of the opportunity for his own fault or omissions or latches he cannot later complain that sufficient opportunity was denied to him. By reason thereof when a portion of the oral examination of a witness or witnesses remained intact without being subjected to cross-examination it is for him to suffer. The piece of evidence or material which does remain untouched in cross-examination is still to be regarded as a material logically probative to a prudent mind to arrive at reasonable conclusions. Since strict rules of Evidence Act are not applicable to the industrial adjudication absence of cross-examination is not to be taken to add any infirmity to that part of the evidence in so long as, despite opportunity given the same was not subjected to cross-examination. There is both oral and documentary evidence to come to the conclusion as to guilt of misconduct by the workman by way of some evidence of legal character. Therefore there is no reason to interfere with the finding rendered against the workman.

15. Coming to the punishment the question is whether there is scope for interference. Having regard to the nature

of misconduct of swindling of customer's money which is a grave misconduct and an act prejudicial to the interests of the bank the delinquent deserves his services being terminated. This misconduct may lead to the management loosing in confidence upon him so as not to allow him to continue any longer in service. While avoiding such a delinquent is the prominent aim of the Management it could well be brought about by ordering petitioner's removal from service or imposing Compulsory Retirement with his eligibility for some terminal benefits so that while he may have to leave the institution in which he had been working for a good period, say 13-16 years as in this case, he can be still given some regard in terms of some terminal benefits on monetary considerations so as to relieve of him the panic of being merely sent out. Even with the said benefits it could not be imagined that the same relieves him of the panic of his forfeiture of employment which is forever in deprivation of his breadwinning avocation. What the Apex Court says in a good number of decisions is that a punishment could be interfered with for any valid and good reason too over and above the grounds of the punishment being shockingly disproportionate to the gravity of the offence or being excessive. In that view of the matter it is deemed just and expedient that the petitioner be given modified and reduced punishment of removal/ compulsory retirement under which he could receive his terminal benefits on pro-rata basis of service by then rendered and the Management is directed to do so accordingly.

16. The reference is answered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 2nd January, 2012)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : None
For the 2nd Party/Management : None

Documents marked

On the side of the Petitioner

Ex. No.	Date	Description
Ex. W1	24-04-1997	Order of Suspension
Ex. W2	04-08-1998	Charge Sheet
Ex. W3	15-10-1998	Reply to Charge Sheet
Ex. W4	09-01-2002	Asking explanation on the Enquiry Report
Ex. W5	14-02-2002	Explanation on the Enquiry Report
Ex. W6	05-06-2002	Order of the Disciplinary Authority
Ex. W7	29-07-2004	Appeal preferred by the petitioner

Ex. W8	07-12-2004	Order of the Appellate Authority
Ex. W9	-	Series of documents marked in the enquiry (Dc. No. 01 to 24)
Ex. W10	16-05-2005	Order of the Hon'ble Judicial Magistrate, Arni

On the side of the Management

Ex. No	Date	Description
Ex. M1	04-08-1988	Charges Sheet
Ex. M2	31-12-2001	Inquiry Officer's Report
Ex. M3	-	Presenting Officer's brief
Ex. M4	90-01-2002	Letter of Disciplinary Authority forwarding Inquiry Officer's Report
Ex. M5	12-04-2002	Letter of Disciplinary Authority proposing punishment
Ex. M6	26-07-2004	Order of the Hon'ble Justice K. P. Shavasubramaniam in W P No. 17303 of 2002
Ex. M7	-	Minutes of Inquiry Proceedings

नई दिल्ली, 17 जनवरी, 2012

का.आ. 590.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय नं. 2, धनबाद के पचाट (संदर्भ संख्या 116/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-01-2012 को प्राप्त हुआ था।

[सं. एल-12012/82/2004-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 17th January, 2012

S.O. 590.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 116/2004) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India, and their workmen, received by the Central Government on 17-01-2012.

[No. L-12012/82/2004-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) DHANBAD

Present : SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 116 of 2004

PARTIES: Employers in relation to the management of State Bank of India, and their workmen

Appearances:

On behalf of the workmen : Mr. G. K. Verma, General Secretary, SBI Employees Union (Bihar State).

On behalf of the employers : Mr. S. Upadhyay, Law Officer

State : Jharkhand Industry : Banking
Dhanbad,

AWARD

Dated the 19th December, 2011

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/82/2004-IR (B-I), dated the 21st October, 2004.

SCHEDULE

“Whether the action of the management of State Bank of India, Patna Bihar in refusing to allow Sh. G. K. Verma, General Secretary SBIE Union (Bihar State) to continue in SBI LHO Patna after he was promoted to the post of Special Assistant amounts to violation of Circular Per 72 of 1984 read with Para 533 of Sastry Award is justified? If yes, then whether the claim of the union that Sh. G.K. Verma has suffered monetary loss due to debarment of being promoted to the post of Special Assistant carrying higher scale and thus affecting his terminal dues legal and justified? If yes, then to what relief the workman is entitled to?”

2. The case of the workman as represented by the Union concerned is that workman G. K. Verma had joined the service of the State Bank of India (SBI) at its then Regional Office, Patna, on June, 1968, was confirmed on the clerical cadre on 02-12-1969. The said office was upgraded as Local Head Office in July, 1972 where at itself he remained posted till his retirement on 30th June, 2003. Till date since his election he continues as the General Secretary of the sponsoring Union, State Bank of India Employees (SBIE) (Bihar State) a registered minority Union affiliated to All India Bank Employees Association (AIBEA) through its Bihar State Federation Bihar Provincial Bank Employee Association (BPBEA) through its Bihar State Federation-Bihar Provincial Bank Employee Association (BPBEA). The SBIE Union (Bihar State) as a Circle level Award Staff Union functions within the Patna Circle (States of Bihar and Jharkhand) of State Bank of India. The State Bank of India Staff Association (SBISA) (Patna Circle) is majority Award Staff Union which is affiliated to National

Confederation of Bank Employee (NCBE) through All India State Bank of India Staff Association (AISBISA).

3. Shri Verma (the workman) completed 25 years of confirmed service in 1994. Though he was provided the appointment of higher allowance/pay to the post of Special Assistant on 12-05-2003 w.e.f. 1st April, 2002 with special allowance of Rs. 786 per month payable, yet only after his joining at J.C. Road Branch on his transfer from the Local Head Office Establishment, otherwise his declination to the Bank's offer for his aforesaid promotion as per the aforesaid order of the Assistant General Manager of the management, which was outright discriminatory as contrasted with all other employee promoted to the same post were/all getting the special allowance Rs. 1213 per month. Shri J. M. Singh though appointed in the Bank's service on 1975, junior to the workman by six years, was yet promoted as Special Assistant w.e.f. April 2001, allowing him to continue in personnel department prior to the said order of the Asstt. General Manager concerned in respect of the workman. Even the ordinary members of the majority Union S/Sri S.S. Trivedi, A. Sen, Nand Kishore Pd. Sinha P. K. Bhagat of Dalmianagar, Baily Road, Kadam Kuan Patna Branches, P. K. Bhagat, R.N. Sen, Akhilesh Kumar Srivastava, Awadesh Kumar Srivastava and P.S. Bose of Darbhanga Branches who were though transferred out, yet allowed to continue at their branches on their promotion to the post of Special Assistant.

4. Even on his personal representation dt. 14-5-2002 to post him in any department of the Local Head Office in view of administrative criteria fulfilment inevitable as his service for one month and twelve days left for his retirement on 30-06-2003, and after bringing into the notices of the Management all the discriminatory misdeal with him at the protest of the workman on 16-5-2003 against his conditional discriminatory transfer, the Management as per its Memo. No. BOB/56 dt. 16-5-2003 withdrew its order of his aforesaid transfer without prejudice to his right under the Industrial Disputes Act, 1947.

The unjustified act of Management violation of the Circular No. 72 of 1984 and the rules under paras 533, 535, and 536 of the Sastry Award resulted in depriving the workman of his legal rights to (1) his higher status as special Assistant.

- (ii) Monetary loss about Rs. 25,000 as difference of wages between the posts of Head Assistant and Special Assistant w.e.f. April 2002 with revision of the Special Allowance and the increase applicable to him for the period between 01-11-2002 and 30-6-2003.
- (iii) Loss of about Rs. 7000 for lesser payment of his leave encashment at his retirement time.
- (iv) accordingly lesser payment of contributory provident fund as special Assistant.

- (v) lesser payment of Gratuity about Rs. 10,825/77p and
- (vi) Higher Pension on its revision with interest @ 6% per annum over the aforesaid delayed payments.

Finally the failure of the conciliation proceedings before the ALC (C) concerned resulted in its reference for adjudication.

5. With specific denials the rejoinder in behalf of the workman is that the present industrial dispute was raised by the registered Union. The settlement dt. 12-4-1999 stipulates no different treatments between the members of recognised and unrecognised or majority and minor unions in respect of posting and payment of Special Allowance upon their promotion to the post of Special Assistant. The transfers of a Union executive are to be effected, if inevitable but as per the mandatory directions under para 535 of the Sastry Award. The provision of Sastry Award provides its inapplicability to the transfer of the office-bearer of the workman's Union. The workman was never provided special skill and training in his last 35 years of his service prior to his posting to the highly computerized branch of J.C. Road. The unwarranted comments of the Management indicate its animistic discrimination towards the workman. The particulars in the letter of appointment as filled by Sri B.D. Pandey a senior officer dealing with staff matters were not clerical mistake, otherwise it would have been a corrigendum order. The Management has tacitly admitted the authorities of Patna Circle pursued a discriminatory policy against the member of the sponsoring (unrecognised) Union. Sri J.N. Singh has been declared to be Duty Free as per bank's rules. Non-transfer of aforesaid workman on their promotion by the management on ground of their 'very competent' is to brand the workman as incompetent which is an imputation against him. The Career of the workman was all along adjudged "Excellent" in his service record.

6. Where categorically denying aforesaid the allegations, the case of the Management is that no authorised executive of the Un-recognised Union rather General Secretary without locus standi has illegally raised the industrial dispute after the workman had retired as Head Assistant from service from Local Head office on 30-06-2003, as his unconditional non-acceptance of the offer of his appointment as Special Assistant on 12-05-2003 with retrospective effect from 01-04-2002 on account of his not reporting for his duty at Judge Court Road Patna Branch amounted to his declaration. Thus he lost the opportunity given to him as per the settlement dt. 12-04-1999, and he was not appointed as Special Assistant. Mr. G.K. Verma (the workman) had refused to accept appointment as Special Assistant with effect from 01-04-1999. He was never interested to accept the appointment on promotion due to fear of his transfer. There is no law that any union executive or an employee likely to retire in a short period on promotion is untransferable.

Transfer on appointment under career path is different from ordinary and regular one. Certain restraint in the matter of transfer imposed by Shastry Award is not at all applicable in case of such career progression schedule. It is the right of the Bank to decide the transfer relating to post and place. In this case, the offer of appointment and transfer to the branch situated in the same building was passed by the Competent Authority and for the betterment of status. The workman was to join the new post in the same building and the post required not any specialized knowledge of particular job. The Bank had bona fide offered him the appointment to the post of Special Assistant with substantial monetary benefits from retrospective date. Though incorrect mention of Special allowance @ Rs. 756 in the appointment in place of Rs. 1213 per month was just a clerical mistake carrigible at any stage. The offer of appointnemt was genuine in letter and spirit and in consonance with the settlement. The other workman who refused the offer were also not given the said promotion under the settlement so the workman was not given the promotion accordingly, and he by his action himself suffered monetary loss if any. He was already been paid all due his retiral dues as per law. He was not entitled to work as Special Assistant in the S.B.I. Local Head Office. Thus the action of Bank is fully legal and justified, and the workman is not entitled to any relief.

7. The Management in its categorical denilful rejoinder has pleaded that the Bank runs its business on commercial line and its administration is wholly under the jurisdiction of its executives. The Shastry Award or the Circular Per No. 72/1984 nowere describes the uppardation of the posts and offer of appointment as Special Asstt. A claim for transfer of Office bearer of an Union in the same building has no relevancy, hence inapplicable. In view of the settlement dt. 12-04-1999 superseding all existing bilateral ones, the workman was offered the appointment of Special Asstt. w.e.f. 01-04-02. He should not have represented his case as the General Secretary in lack of any resolution by the Union executive. The Asstt. General Manager rightly advised him to accept the offer and then to place his grievance. The Bank considered and found his representation as display of his might and supremacy. The work to be discharged by him in the offer of the appointnemt requested no skill and training. Sri. J.N. Singh, the General Secretary of the majority Union was preferably kept in the same building for his prompt availability in negotiation/ solutions of many issues related to the personnel and industrial relation. Mr. Singh was initially appointed at Patna Main Branch of the Bank on 1975, but was transferred to the Local Head Office in 1990 whereas Shri Verma in his entire service period was transferred only once on the ground floor of the same building after his acceptance of the cadre promotion. He was offered in Cadre promotion to Special Assistant w.e.f. 01-04-1999 as per the settlement dt. 12-04-99, but his refusal to the offer resulted in his deprivation of further consideration for 3 year (upto

01-04-2002). So far as the retention of the persons as the members of the majority Union even after their promotion is concerned, it is for the Management in exercise of its right to take the decisions in the interest and business of the Bank. As per the posting of Shri Verma in the same Office-LHO since his joining in 1972, he was given the benefits of para 535 of Shastry Award by the Bank before promotion. The conditional offer of appointment and joining the post of the Special Assistant upon his refusal from the acceptance was withdrawn. Shri Verma (the workman) had earlier also refused to accept promotion. So he is not entitled to any monetary compensation.

FINDING WITH REASONING

8. In this case, MW C.B.S. Singh, the Chief Manager, Gaya Main Branch, Gaya, for the management, and two witnesses: WW1 Birnender Shekhar Pal, Retd. Asstt., SBI, Patna and WW2 G.K. Verma the workman himself Retd. Clerk Local Head Office, SBI, Patna for the union have been examined.

9. The statement of MW 1 C.B.K. Singh, the Chief Manager, Gaya Main Branch, Gaya is that workman G.K. Verma working as Sr. Asstt. in the Local Head Office, Patna since joining in 1968 like other employees was given the option (as per the letter dt. 12-5-2003 Ext. M.2) either to accept or refuse the in-cadre promotion to the post of the Special Asstt. in 2003 in terms of the settlement dt. 12-4-1999 (Ext. M-1 with its Annexures Extt. M1/1 and 1/2) between the management and the union concerned, and the career path scheme as introduced in 2003 as per the second memorandum (Ext. M-2/1) offer to him. But the representation of the workman dt. 14-5-2003 (Ext. M-5) simply for consideration was forwarded to the Competent Authority by the Management the Asstt. General Manager, Banking Operation Deptt. as per Memo No. BOD/50 dt. 15-5-2003 (Ext. M-5 and 5/1) for consideration and necessary action, advising him that any conditional acceptance of the offer is not acceptable, so he was directed to submit the acceptance of the offer otherwise it would be treated as refusal. There are two letters, i.e. dt. 27-11-1999 and its reply dt. 5-1-2000 by the management (Ext. M-6 and 6/1 respectively) showing the refusal of the workman and others for appointment as Special Assistant w.e.f. 1-4-1999. The transfer of an employee even at the age of 55 years by the management in an administrative exigency does not presuppose his consent nor there is any circular prohibiting the transfer of the employee from one branch to another on the same centre. In the year 2003, the Local Head Office and J.C. Rd. Branch was in the same building premises. Both are different establishments of different nature of work. The S.B.I. Employees Union (Bihar State) is not recognised union. The settlement is binding upon all the workman of the State Bank of India irrespective of the membership of the employee of any union. Further statement of the witness (MW1) is that Mr. J.N. Singh, the Sr. Asstt. of the Bank and the Gen. Secretary of the recognised union was not transferred as per the settlement

(Ext. 1) in the year 2003. Admittedly the management's letter dt. 12-5-2003 (Ext. M-2) bears a bonafide clerical mistake in writing special allowance Rs. 786 as contracted with Rs. 1,213 per month. According to the witness (MW-I), since the Management had not transferred the workman, so observance of the Shastry Award para 535 was not required, rather it was an option to him. The offer of promotion to the workman with lower special allowance and his posting from Local Head Office as discriminating and unfair has been categorically by the witness.

Further statement of the MW-I is that in response to the letter dt. 9-6-2003 and the second letter dt. 12-5-2003 (Ext. M-3 and 3/1) filed by the workman before the conciliation officer concerned, the Management filed its written statement-cum-rejoinder dt. 8-8-2003 and its reply dt. 19-9-2003 (Ext. M-4 and 4/1 respectively).

10. Whereas alleging the transfer of the General Secretary of the sponsoring union (the workman) by the management as vindictive, the averment of WW1 Purnendu Shekhar Pal, the Ex-Asstt., SBI, Patna and Ex-Organising Secretary of the Sponsoring Union, is that the General Secretary and the member of the recognised union on their promotion to the post of Special Assistant were not transferred. But he (WW 1) having seen the Ext. M1 (Memorandum of Settlement) dt. 12-4-1999 has stated it contains not any discrimination between the recognised union and the unrecognised one of lesser members in respect of transfer. The Special Assistant was also posted like Sri. J. N. Singh, General Secretary of the recognised after his promotion in the Local Head Office of the Bank. Despite the circular para No. 72 of 1984 dt. 8-5-1984 (Ext. W-1), the workman, than 59 years old about to retire just after one month who ought not to have been transferred, was transferred. Admittedly the Local Head Office and the Local Branch when the concerned employee was transferred were in the same building, but it had two separate a establishments. The workman as per his letter dt. 16-5-2003 (Ext. W-2) had represented to the management against his discriminatory transfer. In fact his promotion was conditional subject to transfer which was not accepted by him. To the witness (WW1) as per the circular of the management, the employees are transferred except the employees of the Central Committee of the Union concerned, and though the Ext. W-1 (the aforesaid circular contains 2 "employees who have attained the age of 55 years may not be transferred" in its para 2 (ii) (a) which is de jure but not de facto, and "the request of the employees for retention at an office on the extreme ground of sickness may be considered on merit. Their case may also be reversed subsequently" under its para (II) (C), it is not applicable to the case of the workman.

11. The statement of WW2 G.K. Verma, the workman himself is corroborative to his witness Purnendu Shekhar Pal (WW1). The workman has alleged in his evidence that he remained till his retirement on 30th June, 2003 since

joining the service of the SBI as a clerk Typist on 20th June, 1968, but at the fag end of his service, he was given promotion/appointment as Special Assistant as per the office order dt. 12-5-2003 (Ext. M-2), his representation was though sent to yet unresponded by the competent authority as per office order dt. 15-5-2003 (Ext. M-5/1); subsequently, the Bank as per the letter dt. 16-5-2003 (Ext. M2/1) of the Asstt. General Manager (Banking operation), the incompetent authority to decide it, rejected his representation treating it as refusal to accept his conditional appointment to be posted at J.C. Rd., Bank, with the stipulation for recinding the offer of the management for its unconditional acceptance; so the offer of promotion to the post of Special Assistant to be posted at J.C. Road Branch with allowance Rs. 786 in place of Rs. 1,213 was discriminatory in his both posting and fixation of the special allowance for the post, affecting his pension as per the Pension Order dt. 14-07-2003 (Ext. W-3) as he was member of unrecognised union so his conditional promotion was not as per the Bank's circular No. 72182 c.t. 8-5-1984 (Ext. W-1) and even his contemplated transer or all transfers are subject to consistancy of Bank needs as per the Shastry Award para 535 and 536.

12. According to the workman (WW 2), the Bank by refusing him to promote as Special Assistant with special allowance and by retaining him in the Local Head Office caused him to suffer monetary loss for the period from 1-4-2002 to 30-6-2003, superannuation benefits, P.F. Pension encashment of Earned Leave and commutation of pension amount. The workman (WW2) claimed to have raised the I.D. before he retired on 30-6-2003, so he is entitled to the reliefs as stated in his written statement.

13. Mr. G. K. Verma, the Gen. Secretary of the sponsoring union-cum-workman himself by assailing the settlement dt. 12-4-1999 (Ext. M-1) to be not binding upon his union has submitted that even if a settlement regarding certain demand is right at otherwise than during the conciliation proceedings between employer and the union of majority workmen, the same is not binding on the other union of minority workman which was not a part of it as held on (Tata Chemical Ltd., 1978 Lab IC 637 (DB) (C), and that "settlement arrived at outside conciliation proceedings has limited application in that it merely binds the parties to agreement but settlement arrived at in course of conciliation proceedings binds all employee in Establishment and persons who are not party to such settlement (as held in National Engineering Industries case-2000-I-LLJ 265 (C/B) with reference to Section 18(1) and (3) (D) of the I. D. Act, 1947. At the close study of the aforesaid authorities in the context of the aforesaid section of the I.D. Act as stated by the aforesaid Mr. Verma, I find the fact of the settlement as interpreted by Mr. Verma relates to a settlement of two kinds one- arrived at outside of conciliation proceedings and another in course of conciliation proceedings, both of which apparently relates to an I.D. already raised by the

concerned but in the present context of the I.D. under adjudication I find (Ext. M-1), the Memorandum of settlement dt. 12-4-1999 (was never independently disputed as an I.D. Case by sponsoring union so far, so none of the aforesaid Authorites holds good with the factum of the case as raised by the sponsoring union. Hence, the argument of Mr. Verma as the Representative-cum-workman appears to be untenable.

14. Challenging the conduct of the Management concerning the offer of his appointment as Special Asstt. as discriminatory (Ext. W.2) and the debarment from his promotion as well as of his posting at J.C. Branch as arbitrarily and vindictive, Mr. Verma has to submit with reference to Circular No. 72/1984 (Ext. W-1) that the Bank's right of transfer on administrative grounds as per the Bank's requirement and exigency of service, under para-536 of Shastry Award will remain unaffected, as such it is alleged its violation by the Bank. Though Mr. Verma (as WW-2) has admitted that the Bank's need is decided by the Bank itself but with a transparency. It has been argued in behalf of the management the transfer/posting of the workman after the offer for his appointment/promotion as Special Asstt. from one establishment to another in the same building was within the administration competence and exigency so it was neither discriminatory nor vindictive.

It is undisputable fact that the Management has administrative power to post any of its employee in exigency which has a wider connotation to include the services of Special Asstt. and others to be utilised.

15. So far as the claim of workman for the relief as sought for is concerned, he claims to affirm to have raised the I.D. before his retirement on 30-6-2003. But the claim of the workman itself stands rebutted by his admitted facts of his retirement on 30-6-2003 at the Local Head Office itself and his filed two representation letters dtd. 9-6-2003 and second letter dt. 12-9-2003 (Ext. M-3 and 3/1 respectively) before the conciliation officer concerned as contrasted with his present Industrial Dispute raised in the year 2004. The workman's pleas of his never working at the Branch and of the alleged inapplicability of the settlement to the office bearers being unpleaded as legally inadmissible just as an admission of the workman about the possible transfer of the workman in other branch/department of the management.

16. On the consideration of all the materials available on the case record, I find and hold that firstly, that the action of the Management of S.B.I. Patna, Bihar in its alleged refusing to allow Shri G.K. Verma, the Gen. Secretary, SBI Union, Bihar State to continue in SBI, Local Head Office, Patna after was promoted to the post of Special Asstt. amounting to vindictive Circular No. 72/1984 read with para 533 of Shastry Award does not arise because of the fact that the Management never refused to continue in the SBI, Local Head Office, Patna where from he retired himself when

he did not accept the offer his appointment/promotion to the post of Special Asstt. unconditionally nor the action of the Management in administrative capacity amounting to violation of the said Circular etc. Further, it is held that no question arises at the point of second part of the Schedule related to claim of the Union for suffering monetary loss to Sri G.K. Verma due to his debarment of being promoted to the aforesaid post carrying higher scale and this affecting his terminal dues legal and justified. Answer to the second Schedule is negative in the eye of law. Therefore, the workman is not entitled to any relief whatsoever.

KISHORI RAM, Presiding Officer

नई दिल्ली, 17 जनवरी, 2012

का.आ. 591.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एसोसिएशन ऑफ शिपिंग इंटरेस्ट कलकता (ए.एस.आई.सी.) के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 39/2003) को प्रकाशित करती है जो केन्द्रीय सरकार को 13-12-2011 को प्राप्त हुआ था।

[सं. एल-32011/2/2003-आई आर(बी-II)]

श्रीश राम, अनुभाग अधिकारी

New Delhi, the 17th January, 2012

S.O. 591.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 39/2003) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Association of Shipping Interest Calcutta (ASIC) and their workmen, which was received by the Central Government on 13-12-2011.

[No. L-32011/2/2003-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 39 of 2003

PARTIES : Employers in relation to the management of Association of Shipping Interest Calcutta (ASIC)

AND

Their workmen

PRESENT : Mr. Justice Manik Mohan Sarkar,
Presiding Officer

Appearance :

On behalf of the Management : Mr. M. K. Sinha, Advocate.

On behalf of the Workmen : Mr. M. Bandopadhyay, executive committee member of the workmen union.

State : West Bengal Industry : Port & Dock.

Dated : 21st November, 2011.

AWARD

By Order No. L-32011/2/2003 IR (B-II) dated 11-11-2003 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s. Calcutta Port Watchmen Pool (managed by Association of Shipping Interests in Calcutta, Shipping House, 13, Strand Road, Kolkata-700001) in refusing to accept the following four demands of the Calcutta Watchmen Pool-Watchmen and Supervisors Association, is justified or not? If not, what relief are they entitled to?

1. Immediate allotment of duty to watchmen and supervisors in the cargo vessels viz. Andaman, Fortune, Suleman, Atif, Faize etc. 2. Uniform to be provided to the watchmen and the supervisors which are stopped for three years. 3. L. T. C. to be introduced immediately, 4. bonus for the year (2001-March, 2002) to watchmen and supervisors, as per the Central Govt. decision.”

2. None appears for either of the parties when the case is called today.

3. It is found from the record that on my joining this Tribunal a fresh notice was directed to be issued to both the parties on 18-8-2010 and in response thereto the Ld. Advocate of the management appeared and he continued with his appearance for days together, but the workmen side never appeared even though the acknowledgment card showing the receipt of the notice under Registered Post was received back by this Tribunal after service upon the workmen union. However, after waiting for several dates for appearance from the side of the workmen union, ultimately a fresh notice was again directed to be issued to the workmen union on 14-2-2011 and the record shows that the notice as duly issued under Registered Post and subsequently served upon the workmen union on 21-2-2011 as it is revealed from the endorsement of receipt on behalf of the workmen union on the A.D. Card which has been received back by this Tribunal and is in the record. Thereafter four dates passed waiting for the appearance on behalf of the workmen union and on 13-6-2011 and

1-9-2011 this reference was deferred for the ends of justice for appearance and hearing of the application dated 17-2-2005 as a matter of last chance.

However, the reluctance from the side of the workmen union goes to show that the workmen union is no more interested to proceed with the present reference since such type of non-appearance from the workmen side is going on since 2006. So, I do not find any reason to continue with the case record of this reference any more as the workmen side perhaps has no industrial dispute surviving at present.

In such circumstance, treating absence of any industrial dispute at present, the present matter is disposed of in the style of an "No Dispute Award".

In Award is passed accordingly.

Dated, Kolkata
The 21st November, 2011

JUSTICE MANIK MOHAN SARKAR, Presiding Officer

नई दिल्ली, 17 जनवरी, 2012

का.आ. 592.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 20/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 8-12-2011 को प्राप्त हुआ था।

[सं. एल-12011/232/2001-आई आर (बी-II)]
शीश राम, अनुभाग अधिकारी

New Delhi, the 17th January, 2012

S.O. 592.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2002) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 8-12-2011.

[No. L-12011/232/2001-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 15 November 2011

Present : Shri S. N. NAVALGUAD,
Presiding Officer
C. R. No. 20/2002

I Party	II Party
The General Secretary,	The Chairman-cum-Managing
Syndicate Bank	Director, Syndicate Bank,
Staff Asson,	Head Office,
Ananda Rao Circle	Manipal (Karnatka)- 576119
Bangalore-560009	

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947(14 of 1947) has referred this dispute vide order No.L- 12011/232/2001-IR(B-II) dated 23-4-2002 for adjudication on the following Schedule :

SCHEDULE

"Whether the management of Syndicate Bank is justified in terminating the services of Shri B.C. Mahesh, Clerk w.e.f. 13-04-2000? If not, what relief the workman is entitled to and from which date?"

2. Shri B.C. Mahesh, Clerk, Employee No. 475701, Syndicate Bank, Regional Office, Karwar whose cause of termination from service has been taken up by the General Secretary, SBSA was served with charge sheet dated 12-10-1998 by the Second Party which reads as under and Disciplinary Authority appointed Shri S.G.J Das, Manager, Karwar Branch as Enquiry Officer, copy of which is at Ex.M2.

Charge Sheet

"That you were functioning as Clerk at our Mudalgi branch from 1-6-1987 to 12-4-1998 and that while functioning in your position as such, you issued/caused issuance of 3 fictitious Mail Transfers for amounts aggregating to Rs.105708.90 purportedly issued by our Badami branch on 10-10-1992 on our K.R. Puram branch, Bangalore towards SB Account to be opened in the name of one V. Srinivas and ensured that the MT advice reached our K.R. Puram branch on 30-10-1992 on which day you called on the branch and claimed yourself as V. Srinivas and attempted to withdraw the amount fraudulently.

That the following circumstances appear on record in respect of the above transactions:

That when a credit IBA pad without the branch name being printed therein bearing Cr.IBA nos. from 694801 to 695000 was taken out for use on 19-10-1992 at Mudalgi branch, unauthorisedly/stealthily removed/caused removal of 2 Cr.IBAs bearing Nos.694999 and 695000 from this pad without the knowledge of your superiors.

That using one of such Cr.IBAs bearing No.695000, you issued/caused issuance of MTs 1/92 , 2/92 and 3/92 dated 10-10-92 for Rs.500, Rs.61,732.75 and Rs.45476.15 respectively on our K R Puram Branch, Bangalore towards

SB account to be opened in the name of one Sri V. Srinivas, the said Cr.IBA purportedly signed by one Bhup Singh as the authorized signatory.

That you enclosed to the Cr.IBA, SB Account opening form (OG14), specimen signature card filled on and purportedly signed by Sri V. Srinivas and introduce by a Special Assistant of Badami branch along with a letter bearing No.0807/MT/SV/0420/92 dated 11-10-1992 purportedly written by Badami branch to the Manager, K. R. Puram branch, Bangalore introducing Shri V. Srinivas, as staff of our Badami branch and requesting them to open SB Account in his name and credit the MT proceeds to his account and ensured that the above reached K.R.Puram Branch, Bangalore on 30-10-1992:

That on the same day, at about 11 a.m, you called on our K. R. Puram Branch, Bangalore and approached Shri Radhakrishna, Assistant Manager in charge of MT inward section, introducing yourself as V. Srinivas, staff of Badami branch and enquired with him as to whether the branch had received any credit advice from Badami branch towards one SB account to be opened in the name of Shri V. Srinivas, for which he told you that the branch had not received any such advice.

That in the meantime when Shri K. Satish Shenoy, Clerk at the branch enquired you as to whether Shri P. Sheshu Nayak is still in Badami branch, you could not give him a proper reply, but told him that you had been working in Badami branch since three years and had not come across a person named Shri Sheshu Nayak. That Shri J.P. Veerabhadrappa, Clerk at the branch enquired you about the place of your domicile, for which you replied as Hoskote and informed him that your father was working in LIC, Hoskote. As Mr. Veerabhadrappa was a resident of Hoskote and no office of LIC was existing at that place, it created suspicion in mind of Sri Veerabhadrappa about your identity.

That on 30-10-1992 at about 11.30 a.m. our K.R.Puram branch, Bangalore received their inward mail in which a envelope purportedly sent from Badami branch and containing Cr.IBA dated 10-10-1992 for Rs.105708.90 in respect of MTs No.1/92, 2/92 and 3/92 for Rs.500 Rs.61732.75 and Rs.43,476.15 respectively purportedly issued by Badami branch, along with SB Account opening form purportedly signed by V. Srinivas and introduced by a Special Assistant of Badami branch.

That the said envelop also contained a letter dated 11-10-1992 purportedly issued by Badami branch introducing Shri V. Srinivas and requesting the branch to open a new SB Account in his name and credit to it the proceeds of the above mentioned MTs.

That as the signature of the authorized signatory in the Cr.IBA purportedly signed by Mr. Bhoop Singh (Specimen signature No.13483) was not tallying, Shri S. Radhakrishna, Asstt.Manager Incharge of MT inward section did not respond the above credit advice and

referred the matter to Shri U.B.R. Rao, Sub-Manager who reportedly told you to call on the branch the next day to meet the Manager.

That in response to K.R. Puram Branch, Bangalore letter No. 937/92 dated 30-10-1992/2-11-1992 addressed to Badami branch, the Manager of Badami branch had confirmed vide their letter No. 0807/Cr.IBA 92/61 dated 7-11-1992 that no such Cr.IBA covering MTs for Rs.105708.10 was issued by them on K.R. Puram Branch, Bangalore.

That on 5-11-1992 at about 1.30 p.m. you made a telephone all to Shri U.B.R. Rao, Sub-Manager of K.R. Puram branch informing him that you are Bhoop Singh speaking and enquired as to whether the proceeds of the MTs received from Badami branch would be paid to Shri V. Srinivas, the beneficiary, for which Shri Rao told you that the amount would be paid to the beneficiary.

That on the same day at about 2.05 p.m you called on our K.R.Puram branch, Bangalore to withdraw the amount when the branch officials locked the main door and handed you over to the police authorities of K. R. Puram Police Station, Bangalore, who took you into their custody. Thus your attempt to withdraw the amount fraudulently was foiled by the branch officials.

That during the interrogation by the police, you informed them that you are not Mr. V. Srinivas and revealed your identity.

You thereby committed acts of "Gross Misconduct" within the meaning of Clause No.19.5 of the Bipartite Settlement. We therefore, charge you for committing gross misconduct of "doing acts prejudicial to the interest of the Bank" vide clause 19.5(i) of the Bipartite Settlement.

You are advised to submit your written statement of defence, if any, within 15 days from the date of receipt of this charge sheet by you.

3. The Enquiry Officer after observing the formality of preliminary hearing and examining MW1 to MW4 and exhibiting MEX.1 to MEX.9 for the second party, the detailed description of which are narrated in the annexure, on submission by the CSE that he has no evidence to lead submitted his enquiry finding dated 13-12-1999 charges being proved. Consequently the Disciplinary Authority after affording the opportunity of hearing passed the impugned order terminating his services w.e.f.13-4-2000 and the same on appeal came to be confirmed by the Appellate Authority by his order dated 29th August 2000. Aggrieved by this action of the management the first party raised the dispute and on its failure the Central Government made this reference for adjudication.

4. The first party while assailing the DE on several grounds also contended that the enquiry findings are perverse not based on cogent evidence and the same is liable to be set aside etc. Inter-alia the second party while

justifying the validity of the DE, enquiry findings as well as the punishment imposed prayed for rejection of the reference.

5. Having regard to the assertion made in the Claim Statement touching the Domestic Enquiry, my learned Predecessor while framing the issue touching the fairness of the domestic enquiry and taking up the same as preliminary issue after recording the evidence adduced by both sides by his order dated 2nd April 2007 answered in favour of the second party i.e. domestic enquiry being fair and proper. Subsequently inspite of granting several opportunities the counsel for the first party failed to address the arguments on merits to demonstrate how the finding of the enquiry officer is perverse or the punishment imposed is disproportionate or excessive to the charges proved against the first party. Whereas the learned advocate appearing for the second party while taking me through the enquiry proceedings which is at Ex.M3 urged that the CSE/first party having left unchallenged the evidence of management witnesses by their cross-examination and also did not lead any rebuttal evidence absolutely there is no reason to interfere in the findings of the enquiry officer or the punishment imposed for the proved charges.

6. When the DE has been held as fair and proper and the same became final it was for the first party to demonstrate how the enquiry finding is perverse. Inspite of granting several opportunities to the counsel for the first party he did not avail the same and ultimately on 30-11-2010 Shri R. Naik for Shri V.S. Naik appearing for the first party submitted that he has no instruction from the first party. Thus the first party having failed to demonstrate the findings of the enquiry officer being perverse or the punishment imposed is disproportionate, absolutely I find no reason to interfere either in the finding of the enquiry officer or the punishment imposed by the DA upheld by the Appellate Authority. Under these circumstances the reference is liable to be rejected holding the action of the management as justified.

7. In the result I pass the following Award:

AWARD

The reference is rejected holding that the management of Syndicate Bank is justified in terminating the services of Shri B.C. Mahesh, Clerk w.e.f. 13-4-2000 and that he is not entitle for any relief.

(Dictated to PA transcribed by her corrected and signed by me on 15-11-2011.)

S. N. NAVALGUND, Presiding Officer

Annexure : CR 20/2002

List of witnesses examined by the management before the Enquiry Officer

1. Shri S. Radhakrishna, Asstt. Manager MW1
2. Shri J.P. Veerabhadrappa, Clerk MW2

3. Shri K. Satish Shenoy, Clerk MW3
4. Shri S.M. Kamath, LDM MW4

Documents exhibited for the Management before the Enquiry Officer

1. Certified Xerox copy of letter dated 11-10-1992 EX.MEX-1 purported to have been issued by Badami Branch. Ex.MEX-1
2. Certified Xerox copy of SB account opening form duly introduced by Special Asst. Badami Branch in respect of Shri V. Srinivas. Ex.MEX-2
3. Certified Xerox copy of specimen signature card of Shri V. Srinivas Ex.MEX-3
4. Cr.IBA with printed No. 695000, branch SL.No. 968 for Rs. 1,05,708.90 for credit of SB account of Shri V.Srinivas. Ex.MEX-4
5. Xerox copy of letter dated 30-10-92/ 2-11-92 of K.R.Puram Branch, Bangalore addressed to Badami Branch. Ex.MEX-5
6. Xerox Copy of letter dated 7-11-1992 of Badami branch addressed to K.R.Puram Branch, Bangalore. Ex.MEX-6
7. Letter dated 29-09-1993 of Shri S. Radhakrishna, Asstt. Manager, K.R.Puram branch, Bangalore addressed to Shri S.M. Kamath, Investigating Officer. Ex.MEX-7
8. Letter dated 29-09-1993 of Shri K. Satish Sheonay, Clerk of K.R. Puram Branch, Bangalore addressed to Shri S.M. Kamath, Investigating Officer. Ex.MEX-8
9. Letter dated 29-09-1993 of Shri J. P. Veerabhadrappa, Clerk of K.R. Puram Bangalore addressed to Shri S.M. Kamath, Investigating Officer. Ex.MEX-9

List of witnesses examined by the first party before the Enquiry Officer

Nil

List of Documents of 1st party marked in the Enquiry

Nil

नई दिल्ली, 17 जनवरी, 2012

का.आ. 593.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/60/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 13-12-2011 को प्राप्त हुआ था।

[सं. एल-12012/10/2006-आई आर(बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 17th January, 2012

S.O. 593.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/60/2006) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government of 13-12-2011.

[No. L-12012/10/2006-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOURT COURT, NAGPUR

Case No.CGIT/NGP/60/2006 Date: 2-12-2011

Party No.1 : The Chief Manager,
Bank of Maharashtra,
“Maha Bank” Abhyankar Road,
Sitabuldi, Nagpur-440012.

Versus

Party No.2 : Shri R.S. Badge,
R/o. Arihant Colony,
Tirora Road,
Kudwa, Gondia - 441614

AWARD

(Dated: 2nd December, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) (“the Act” in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Bank of Maharashtra and Shri Ramesh S. Badge, for adjudication, as per letter No.L-12012/10/2006-IR (B-II) dated 17-4-2006, with the following schedule —

“Whether the action of the management of the Bank of Maharashtra through its Chief Manager, Regional Office, Nagpur in imposing dual punishment of compulsory retirement and reduction in time scale of pay by two stages with cumulative effect (both to run concurrently) to the workman Shri Ramesh S. Badge w.e.f. 18-2-2004 is proper and justified? If not, then to what relief the said workman is entitled?”

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman Shri Ramesh S. Badge (“the workman” in short) filed his statement of claim and the management of Bank of Maharashtra (“Party No. 1” in short) filed its written statement.

The case of the workman as per the statement of claim is that he was appointed as a clerk on 12-04-1979 by the party no. 1 and was posted to its Akhad Branch in Hingoli district and served with a clean and unblemished record and in 1984, he was transferred to Gondia Branch and while he was working in Gondia Branch, on 28-11-2002, a charge sheet containing four charges was served on him and the allegations in the charge sheet were of April, 2002 and on 27-04-2002, the then Branch Manager of Gondia Branch called him to his cabin and pressurized him to pay a sum of Rs. 800 to cashier of Salekasa Branch claiming that cashier of the Salekasa Branch had made a grievance that when he (cashier of, Salekasa Branch) took remittance of cash of Rs. 5,00,000 on 04-04-2002, he found eight notes of Rs. 100 denomination less in one of the packet and he (workman) pointed out that the remittance was taken by the cashier on 04-04-2002 and it was his duty to receive the amount after counting the entire cash and the packet alleged to have eight notes less was tempered with and there was undue delay in making the grievance, as the cashier came with the packet after more than 23 days and under such circumstances, placing the blame of shortage of eight 100 rupees note on him not to be justified and he did not succumb to the pressure and for the said incident, the Branch Manager was annoyed with him and threatened to teach him a lesson and he also realized from the said charge sheet that in respect of one transaction dated 15-04-2002 regarding deposit of Rs. 65,000 by the proprietor of M/s. Om Agency, Sri Tajwani, the Branch Manager obtained a complaint from the said customer alleging that he deliberately scored out the amount in the deposit slip of the said customer, but in fact, on 15-04-2002, the said customer deposited an amount of Rs. 65,000 without writing the particulars and obtained the acknowledgement and when the cash submitted was found less than the amount, he reported the matter to the concerned officer Mr. Somkuwar and the Branch Manager and at that time, the customer came and admitted to have deposited Rs. 55,000 and the matter was resolved itself on 15-04-2002, but in order to teach him a lesson, the Branch Manager obtained a complaint from the said customer and in this manner, the charge sheet was issued against him.

It was further pleaded by the workman that in the departmental enquiry, party no. 1 examined five witnesses and from the evidence of witness Mr. Somkuwar, the officer, who tallied the day’s cash on 15-04-2002, it was clear that when he noticed the discrepancy of Rs. 10,000, he pointed out the same to the Branch Manager, Mr. Kulkarni and Mr. Kulkarni called Mr. Tejwani to the Branch office and

obtained necessary correction and clarification from him and tallied the officer's scroll and cashier's scroll and kept the entire cash in the strong room as tallied with cash scroll meant for cash transaction, but Mr. Kulkarni in his evidence expressed total ignorance about the said incidence in order to implicate him, which itself clearly indicates that it was the conspiracy of Mr. Kulkarni with the help of Mr. Tejwani to implicate him and as such, the finding of the enquiry officer without taking into consideration of the evidence of Mr. Somkuwar is perverse and the enquiry officer also failed to appreciate that it was the responsibility of the cashier to count the entire amount in the premises, while receiving the cash and the Branch Manager with the help of Mr. Umredkar tried to put pressure on him and as he resisted such move, the Branch Manager with the help of superior officers hatched a conspiracy to oust him and the entire findings of the enquiry officer are perverse and not based on evidence on record and none of the charges was proved against him and as such, the punishment imposed by the party no.1 on the basis of such perverse enquiry report cannot be sustained in the eye of law. It is also pleaded by the workman that the Disciplinary Authority while considering the enquiry report, mechanically agreed with the findings of the enquiry officer and while imposing the punishment, the Disciplinary Authority approached in a peculiar manner and imposed the punishment of compulsory retirement in respect of three charges and imposed the punishment of reduction in time scale by two stages in respect of one charge and for the same type of misconduct, different punishment cannot be imposed and on the ground of double punishment for the misconduct, the order passed on 27-02-2004 needs to be quashed and set aside and the Appellate Authority also mechanically held that the Disciplinary Authority has passed the order in a just and proper manner, without considering the points raised by him in the appeal and the punishment is shockingly disproportionate. The workman has prayed to quash and set aside the order of punishment dated 13-02-2004 and to reinstate him in service with continuity and full back wages.

3. The party no.1 in its written statement has not denied the appointment and posting of the workman at its different branches. The party no.1 has also not denied the submission of the charge sheet against the workman and commencement of the enquiry on 09-01-2003, and conclusion on 28-05-2003. According to the party no.1, as the workman committed the different misconducts, a charge sheet dated 28-11-2002 was issued against him as per clause 19.5(J) and 19.5(C) of Bipartite Settlement while he was working at Gondia Branch on the allegation of misappropriation of Bank's money, destroying material evidence, tampering with the Bank's records and behaving in an indecent and disorderly manner in the premises of the Bank acts involving moral turpitude and acts prejudicial to the Bank's interest and an enquiry was ordered and Shri A.D. Lapalikar was appointed as enquiry officer and the

enquiry was conducted by the enquiry officer by following the due procedures as laid down in the Bipartite Settlement and taking into consideration the evidence laid before him, the enquiry officer submitted his findings on 12-11-2003, holding the charges to have been proved against the workman and the enquiry was proper and principles of natural justice were fully complied with and it had followed due procedures as laid down in the Bipartite Settlement at every stage of the enquiry, till the disposal of the case and the workman fully participated in the enquiry and the findings of the enquiry officer are not perverse and the punishments commensurate with the gravity of the misconducts and the same are justified and valid and the order was not passed mechanically by the Disciplinary Authority or the Appellate Authority and personal hearing was accorded to the workman before imposition of the punishment and disposal of the appeal and the Disciplinary Authority drew the conclusions on the basis of the material on record and the evidence brought in the enquiry and the workman is not entitled to any relief.

4. As this is a case of compulsory retirement of the workman from services after holding a departmental enquiry, the validity of the departmental enquiry was taken as a preliminary issue for consideration. However, it is necessary to mention here that the workman did not challenge the validity of the departmental proceeding and filed a pursis in that regard and as such, vide order dated 30-11-2010, the departmental enquiry held against the workman was found to be proper, legal and in accordance with the principles of natural justice.

5. At the time of the argument, the learned advocate for the workman submitted that in the departmental enquiry, 5 witnesses were examined by the Bank in order to prove the charges against the workman and though the enquiry officer has mentioned in his findings that the procedure in regard to shortage of notes was not properly followed, without assigning any reason, he has concluded that there was shortage of Rs. 800 and from such facts, it is obvious that the finding of the enquiry officer regarding shortage of Rs. 800 is without any basis and the shortage of Rs. 800 was pointed out nearly after a period of 23 days and the said fact itself shows conspiracy against the workman of making false complaint against him. It was further submitted that so far the charge of indecent behavior against the workman is concerned, there was no proper complaint by the concerned Branch Manager, Shri Kulkarni immediately and the complaint was subsequently fabricated for involving the workman in false case and the charge regarding tampering of the pay-in-slip of M/s. Om Agency in respect of deposit of Rs. 65000 is concerned, the entire behavior of Mr. Tejwani, who claimed to have deposited the said amount is very suspicious and he has admitted that he did not fill in the particulars regarding the amount in the slip and the failure of Mr. Tejwani to file any complaint on the date of the deposit also clearly shows

malafide intention of the Branch Manager to take revenge against the workman and the evidence adduced in the departmental enquiry did not prove the charges levelled against the workman and the findings are perverse and as such, the punishment need to be quashed and set aside.

Reliance was placed by the learned advocate for the workman on the decision reported in 2010 (Supp) BOM CR-29 (Nagpur Bench) (Shriram Vishwanath Despande Vs. Presiding Officer and another) in support of the contention raised by him.

6. Per contra, it was submitted by the learned advocate for the party no. 1 that the departmental enquiry has already been held to be fair and proper and in accordance with the principles of natural justice and it is clear from the evidence adduced by the party no. 1 that there was shortage of 8 notes of Rs. 100 denomination in a packet given in the remittance to Salekasa Branch by the workman and the workman misbehaved with the Branch Manager of Gondia Branch on 27-04-2002 in the Bank premises and all the witnesses of the Bank have deposed about such misbehavior and it is also proved that the workman tore the denomination slip of the packet, which had his signature and that Om Agency had deposited Rs. 65,000 but the workman changed the amount from Rs. 65,000 to 55,000 without any authority and the charges levelled against the workman were proved beyond doubt and the bank management lost confidence on the workman and the punishment of compulsory retirement was imposed against the workman in respect of charges 1 to 3 and reduction of time scale of pay by two stages with cumulative effect for charge no. 4 and the punishment are just and proper and there is no reason to interfere with the same and the workman is not entitled for any relief.

7. Before delving into the merit of the matter, I think it apropos to mention about the settled principles by the Hon'ble Apex Court in number of decisions, regarding the scope and power of the Tribunal in regard to judicial review of the departmental enquiry. It is well settled by the Hon'ble Apex Court that, "Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. Adequacy of evidence or reliability

of evidence cannot be permitted to be canvassed before the Court/Tribunal. When the authority accepts the evidence and the conclusion receives support there from, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has co-extensive power to reappreciate the evidence or the nature of punishment. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of that case.

So keeping in mind the principles enunciated by the Hon'ble Apex Court, the present case at hand is to be considered.

8. Perused the pleadings of the parties and evidence on record including the papers relating to the departmental proceedings. It is to be mentioned here at the cost of repetition that the workman has not challenged the validity of the departmental enquiry and it has already been held that the departmental enquiry is proper, legal and in accordance with the principles of natural justice.

On perusal of the materials on record, it is found that Mr. C. R. Umredkar, the cashier working at Salekasa Branch, examined as MWI in the departmental enquiry has categorically stated that on 04-04-2002, he took cash remittance of Rs. 5,00,000 from Gondia Branch and on 5-4-2002, he counted the entire cash remittance before business hour and he noticed shortage of eight notes of one hundred rupees denomination in one packet, so he immediately reported the shortage to the Branch Manager, Salekasa Branch, Mr. B.G. Parkute and Mr. Parkute then contacted the Branch Manager, Gondia Branch over phone, on the same day and reported about shortage of Rs. 800 in the cash remittance obtained on 04-04-2002 and he himself and Mr. Parkute also talked to the workman about the same on 05-04-2002 and the Branch Manager, Gondia Branch informed that the packet of 92 pieces should be preserved and the same will be exchanged during the next remittance and on 9-04-2002, he, visited Gondia Branch for receiving cash remittance and he also took with him the packet of 92 pieces for exchange and the packet was intact and he gave the packet to the Branch Manager, Gondia, Mr. M.P. Kulkarni and Mr. Kulkarni called the workman and gave him the packet for counting and the workman after counting the packet refused to make good the

shortage of 8 notes of Rs. 100 denomination, so he informed this to the Branch Manager, Salekasa, and the Branch Manager, Salekasa talked with the workman over phone and the workman became irritated and used rough words, while talking with the Branch Manager, Salekasa and the workman after giving him the said packet went to his cash cabin and he immediately addressed a written complaint, to the Branch Manager, Gondia on 9-4-2002 and returned back to Salekasa Branch with the cash remittance and the said packet and on 27-04-2002 he came to Gondia Branch for another remittance and also brought with him the said packet for exchange; as per the instruction of the Branch Manager, Salekasa Branch and on 27-04-2002, B.M., Gondia Branch received the said packet from him and went to the cash cabin of the workman and passed on the said packet to the workman and the workman refused to make good of the shortage and opened the seal of the packet and gave the opened packet to the Branch Manager, Mr. Kulkarni and abused Mr. Kulkarni and he counted the pieces according to the instruction of the Branch Manager and Mr. Kulkarni gave him Rs. 800/- and he returned to Salakasa Branch with the remittance and one packet of Rs. 100 denomination containing 100 pieces and on 29-04-2002, he made a written complaint to the Dy. General Manager, Nagpur about the incident, as he was also abused by the workman. The complaint submitted by MWI on 09-04-2002 and dated 29-04-2002 and so also the torn seal of the packet of 100 Rupees denomination in dispute were produced in the enquiry and proved by the management. The assertion of MWI was not at all challenged in the cross-examination. The statement of MWI was also duly corroborated by MW3, the Manager of Salekasa Branch and MW5, the Manager of Gondia Branch. It is clear from the evidence of the witnesses that it was the workman, who tore the seal affixed on the bundle of the 100 rupees denomination, in which there were 92 pieces of notes and the shortage of 8 pieces of note in the said bundle was brought to the notice of the Branch Manager Gondia and so also of the workman on 5-04-2002. So, there is no force in the contentions raised on behalf of the workman in respect of the same.

9. So for the charge regarding misappropriation of Rs. 10,000 by altering the entries from 65000 to 55,000 in the pay-in-slip and cashier's receipt scroll, without any authorization and misappropriation of Rs. 10,000/- in respect of the deposit of Shri Om Agencies on 15-04-2002 is concerned, it is clear from the evidence of MW2 Tejwani, the proprietor of Om Agency, MW4, Mr. Somkuwar and MW5, Mr. Kulkarni, the Branch Manager of Gondia Branch that the workman altered the entries from 65000 to 55000 in the pay-in-slip and also the cashier's receipt scroll without any authorization, after receipt of Rs. 65000 from Om Agencies and handing over the counterfoil for the same on 15-04-2002 and misappropriated Rs. 10000.

It is also clear from the evidence adduced in the departmental enquiry that the workman also abused the

Branch Manager, Gondia when he requested the workman to make good of the shortage of 8 pieces of 100 rupees note on 27-04-2002 and also broke upon the seal and destroyed material evidence. The evidence of the workman in the departmental enquiry and the stand taken by him in the statement of claim are quite contradictory. On perusal of the evidence adduced in the departmental enquiry, it is found that this is not a case of no evidence. Even though there are some contradictions in the evidence of MW4 and MW5, the same are not so material so as to disbelieve the case of the Bank. The findings of the enquiry officer are based on materials on record and not on any extraneous materials. The conclusions arrived at by the enquiry officer are not of such nature as no reasonable person would have ever reached. Hence, the findings of the enquiry officer cannot be said to be perverse.

So for the question of punishment is concerned. it is found that the workman was an employee of the bank and he held a position of trust, where honesty and integrity were inbuilt requirements of functioning, but he betrayed the trust and committed misconducts and misappropriated the money of the Bank and on the facts found and conclusions recorded in the enquiry report, the punishment imposed cannot be said to be not commensurate with misconduct proved against him in a properly held departmental enquiry. Imposition of compulsory retirement from service for the first three charges and reduction in time scale of pay by two stages with cumulative effect for charge number four is in accordance with the provisions of Bipartite Settlements and the same cannot be said to be double punishment for the same misconduct. Hence, there is no scope to interfere with the punishment.

With respect, I am of the view that the decision reported in 2010 (Supp) BOM CR 29 (Supra) has no application to the present case as the facts and the circumstances of the case at hand as mentioned above are quite different from the facts and the circumstances of the case referred in the above decision.

Therefore it is ordered:

ORDER

The action of the management of the Bank of Maharashtra through its Chief Manager, Regional Office, Nagpur in imposing punishment of compulsory retirement & reduction in time scale of pay by two stages with cumulative effect (both to run concurrently) to the workman Shri Ramesh S. Badge w.e.f. 18-02-2004 is proper and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 17 जनवरी, 2012

का.आ. 594.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की भाग 17 के अनुसरण में केन्द्रीय सरकार युनाइटेट इंडिया इंश्योरेंस के लिए प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों

के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/प्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 34/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 29-12-2011 को प्राप्त हुआ था।

[सं. एल-17012/42/1999-आई आर(B-II)]
शीश राम, अनुभाग अधिकारी

New Delhi, the 17th January, 2012

S.O. 594.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2000) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United India Insurance Co. Ltd. and their workman, which was received by the Central Government of 29-12-2011.

[No. L-17012/42/1999-IR(B-II)]
SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 20th December, 2011

Present : Shri S. N. NAVALGUAD,
Presiding Officer

C. R. No. 34/2000

I Party	II Party
Shri Channamallayya Swamy, The Management of United S/o Gurayya Swamy, India Insurance Co. Ltd., H.No.9, 348, Kabadgalli, Shanhabazar, Gulbarga	Shankarnarayana Building, M.G. Road, Bangalore.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947) has referred this dispute vide order No. L-17012/42/99/IR(B-II) dated 30th May 2000 for adjudication on the following Schedule:—

SCHEDULE

“Whether the action of the management of M/s. United India Insurance Company Ltd., Bangalore is justified in imposing the punishment of dismissal from service on Shri Channamallayya Swamy? If not, what relief the workman is entitled to?”

2. Shri Channamallayya Swamy S/o Gurayya Swamy (hereinafter referred as first party for the sake of convenience) who was appointed in the cadre of Assistant (typing) against reserve vacancy for Scheduled Caste category by the United Insurance Company Ltd. (hereinafter referred as second party for the sake of convenience) under its No.SR.PRO.OO.899.1978 dated

5-12-1978 and confirmed his services w.e.f. 11-6-1979 issued with memorandum of charges dated 31-7-1992 alleging that he at the time of the appointment had furnished false information and document of his caste and secured entry into the services against vacancies under Roster System and thereby committed misconduct in terms of Rule 4(4) of CDA Rules, 1965 accompanied by the statement of imputation (Annexure-II) which reads as under:

Annexure II

Statement of Imputation of Misconduct or misbehaviour in support of articles of charge framed against Shri C.G. Swamy, Assistant (Typing) working at Divisional Office, Gulbarga.

The Company during the year 1978, approached Employment Exchange, Gulbarga in connection with recruitment to the cadre of Assistant-cum-Typist against reserve vacancies under Roster System. Shri C.G. Swamy was one of the candidates sponsored by them. In support of his community status, he produced caste certificate dated 5-1-1978 issued by Office of the Tahsildar, Gulbarga, wherein it was shown that he belonged to Beda Jangama community recognized as Scheduled Caste by Govt. of Karnataka. Besides he had submitted an application to the company declaring that he was a member of Scheduled Caste. The company having found him suitable after recruitment procedure selected him for appointment in the cadre of Assistant (Typing) against reserve vacancies for SC category and issued orders of appointment NO.SR:PER:OO:899:1978 dated 5-12-1978 posting him at the then branch office of the company at Gulbarga. He was thereafter confirmed in the services of the company w.e.f. 11-6-1979.

Following complaint, the Office of Tahsildar, Govt. of Karnataka at Gulbarga caused an enquiry as to the actual community status of Shri C.G. Swamy. As a result of the enquiries the said authorities have found that the employee belonged to Jangama community and not to the Beda Jangama community which is classified as Scheduled Caste by Government Order. At the request of the company, the office of the Tahsildar vide letter No.Rev/1992-93/147/11-5-92 confirmed that Shri C.G. Swamy did not belong to Beda Jangama community and the document produced by him to us in connection with the recruitment was false. Shri C.G. Swamy has therefore furnished false document and also made false declaration in his application for recruitment with a malafide intention and secured job in the company under roster system.

The above act of Shri C.G. Swamy is misconduct in terms of Rule 4(4) of CDA Rules, 1975.

Sd/-
M. M. Siddiqui,
Competent Authority.

3. On first party giving his reply to the memorandum of charges denying the same the second party being not satisfied with the same initiated the domestic enquiry by

appointing Shri P. Vijayasekhar, Administrative Officer, Regional Office, Bangalore as Enquiry Officer and Shri K.N. Suresh, AO, R.O, Bangalore as Presenting Officer (Ex.M1). Thereafter the enquiry officer while receiving the evidence of three witnesses for the management and two witnesses examined for the first party and after receiving the written briefs from both sides submitted his enquiry report dated 25-04-1994 (Ex.M7) holding the charge being proved. Thereafter the Disciplinary Authority while enclosing the enquiry report called for explanation of the first party and on first party submitting his detailed reply, after affording him opportunity of hearing, while accepting the findings of the enquiry officer exercising powers conferred on him under Rule 25(1) of General Insurance Competent/ Disciplinary Authority by his order dated 13-2-1995 imposed major penalty of removal from service. Aggrieved by the said order when the first party preferred an appeal dated 31-3-1995 and pleaded for setting aside the order of the Disciplinary Authority, the Appellate Authority after giving an opportunity of hearing to the first party confirmed the order passed by the Disciplinary Authority by his order dated 29-6-1995 (Ex.M9). The first party workman challenged the validity of the order passed by the second party removing him from service before the Hon'ble High Court of Karnataka in WP No.30552/1995 and the said writ petition came to be disposed of by order dated 5-8-1997 as not maintainable observing that second party establishment being an "Industry" and the first party being a "workman" within the meaning of definition under the Industrial Disputes Act he can go before the appropriate forum for redressal of his grievance. Thereafter the first party workman approached the Assistant Labour Commissioner (Central), Bellary challenging the order of removal from service and as the conciliation by the ALC(C) ended in failure the Central Government made this reference for adjudication. It is also evident from the records i.e. the certified copy of the judgment in CC No. 2867/87 on the file of 3rd Additional JMFC, Gulbarga which is produced at Ex.W14 that during the year 1987 the State of Karnataka through the Chowk Police Station, Gulbarga registered a criminal complaint against the first party alleging offences punishable under Sections 196, 197, 198 and 420 of IPC and filed a charge sheet for the said offence before the 3rd Additional JMFC at Gulbarga and same being registered in CC No.2867/87 through judgment dated 28-5-1998 he came to be acquitted of the said offences.

4. Pursuant to the notices issued by this tribunal after receipt of the reference both sides entered their appearances through their respective advocates and the first party filed his claim statement on 1-6-2001, whereas the second party filed its counter statement on 19-7-2002.

5. Having regard to certain allegations/assertions made by the first party and denied by the second party touching the propriety of the DE, my Learned Predecessor while framing an issue "whether the enquiry conducted

against the first party by the second party is fair and proper?" taking up the same as preliminary issue, after receiving the evidence of the enquiry officer for the management/MW1 and exhibiting Office Order dated 1st October 1992 appointing Shri P. Vijayasekhar, Administrative Officer as enquiry officer and Shri K.N. Suresh, Administrative Officer as Presenting Officer; notice dated 2-11-1992 issued by the enquiry officer to the first party regarding fixing the date of hearing on 16-11-1992; charge sheet along with articles of charges and imputation issued by the competent authority reply submitted by the first party dated 20-8-1992 to the statement of articles of charges framed against him; handwritten order sheet of enquiry ; typed copy of order sheet of enquiry ; written brief of the first party; punishment order of removal dated 13-02-1995 passed against the first party by the competent authority and Appellate Authority order dated 26th June 1995 rejecting the appeal filed by the first party as Ex.M1 to M9 and also the evidence of the first party himself as WW1, after hearing the arguments addressed by the learned advocates appearing for both the sides by order dated 9-2-2005 answered the said issue in the 'Negative' i.e. the Domestic Enquiry being 'not -fair and proper' and set aside the same. Then my Learned Predecessor when called upon the second party to substantiate to the charge levelled against the first party, the learned counsel appearing for the second party while examining Shri H.T. Pawar Divisional Officer-Cum-Liaison Officer at the Regional Office of the second party; Shri M. Yugandhar Reddy, Assistant Administrative Officer in Personal Department, Regional Office, Bangalore for the period 1986 to 1992; Shri Babu Rao Chandram Chavan, Principal, Sharna Basaveshwar Composite Pre-university College, Gulbarga; Shri Raja Patel working as Tahsildar, Gulbarga since from 1-9-2009 and Shri Y.S. Siddaraju, Branch Manager of the second party company, Rajaji Nagar branch as MW2 to MW6 respectively got exhibited in the evidence of A. W. L. Original letter written by the President, SC/ST Employees Welfare Association, Gulbarga to Assistant General Manager, United India Insurance Company dated 21-3-1991 making allegation that the first party do not belong to Scheduled Caste and that he belongs to 'Lingayat' community which is not considered as Scheduled Caste and take necessary action; copy of letter written by Vice President, All India General Insurance Scheduled Castes/ Scheduled Tribes Employees Welfare Association to Assistant General Manager, United India Insurance Company dated 23-4-1991 not to allow the first party to appear before promotion committee for promotion to the cadre of Sr. Assistant scheduled on 25-4-1991; office copy of letter addressed by Shri H.T. Pawar, Liaison Officer MW2 to Tahsildar, Gulbarga dated 30-4-1992 to confirm whether caste certificate issued by his office in favour of first party is cancelled or not; photostat copy of the application submitted by the first party for recruitment in the cadre of Assistant dated 15-12-1978 wherein in column No.10 he

Claims to be a scheduled caste; photostate copy of the caste certificate admittedly submitted by first party at the time of his appointment dated 5-01-1978; office copy of the letter addressed to first party by Assistant Manager, United India Insurance Company dated 4-12-1978 intimating his appointment with a request to report to duty on or before 22-12-1978; office copy of the letter addressed to the first party by the Assistant General Manager of United India Insurance Company dated 3-3-1979 informing he being appointed in the cadre of assistant w.e.f. 15-2-1979; office copy of the letter addressed to first party by the Assistant General Manager, United India Insurance Company dated 28-8-1979 intimating confirming of his services effective from 15-8-1979; office copy of the letter addressed by Liaison Officer of SC/ST Cell of the second party addressed to Dy. Commissioner, Gulbarga dated 12-3-1986 with a request to investigate the community of the first party and to report for further action in the matter; original personal information bio-data furnished by the first party dated 20-1-1988 in the printed proforma; photo stat copy of the latter addressed by Divisional Officer, Super Market, Gulbarga of the second party to the first party dated 27-5-1986 asking him to get the caste certificate produced by him ratified by the competent authority saying that the same is signed by some person on behalf of the Tahsildar; photostat copy of letter purported to have been received from the Office of Tahsildar addressed to Divisional Manager, United India Insurance Company Ltd., Gulbarga dated 22-4-1982 intimating that the first party being Jangam by caste and his annual income being Rs. 7000 said to have, been marked as Ex.P3 in the DE.; duplicate copy of letter purported to have been received from the Office of Tahsildar addressed to Divisional Manager, United India Insurance Company Ltd., Gulbarga dated 22-4-1982 intimating that the first party being Jangam by caste and his annual income being Rs. 7000 said to have been marked as Ex.P3 in the DE; letter said to have been received from Office of Tahsildar, Gulbarga addressed to Shri H.T. Pawar, Liaison Officer of the second party dated 11-5-1992 informing that the detailed enquiry pertaining to caste certificate of Shri C.G. Swamy, it has come to light that he belongs to 'Jangama' community and not 'Beda Jangama' community and the certificate produced by him is false and forged and the signature on the certificate is not of the then Tahsildar dated 11-5-1992; letter said to have been received from Office of Tahsildar, Gulbarga by Shri H.T. Pawar, Liaison Officer of the second party dated 21-10-1992 informing verification of his office record, the caste certificate produced by first party being false one and is not the one issued by his office as such cancellation of the same does not arise; caste certificate issued by Principal, Sharana Basaveshwara Composite Pre-University College, Gulbarga dated 19-1-1993 to the effect that as per school admission register the first party belongs to Lingayat community as Ex.M10 to M25 respectively and in the evidence of MW4 the extract of entry made in the school

register and the transfer certificate of the first party as Ex.M26 & M27. Inter-alia the first party while filing his affidavit swearing to the facts of his claim statement examining himself on oath as WW1. got marked copy of his appointment letter dated 5th December 1978; Memo dated 22-2-1986 issued to him by the second party to produce his caste certificate; copy of his letter enclosing caste certificate dated 25-3-1986 addressed to Regional Manager of second party, copy of letter from Divisional Manager of the second party addressed to him dated 27-5-1986 to get ratified his caste certificate from competent authority; copy of his covering letter addressed to Chairman & Managing Director of Second Party dated 30-3-1995 enclosing his memorandum of appeal with copy of Memorandum of Appeal; office order dated 29-6-1995 issued by the Manager/Appellate Authority; caste certificate dated 5-1-1987 issued in his favour as 'Beda Jangam' by Mala Jangama, Beda Jangama, Budga Jangam, Samaj Samstan Gulbarga; Photostat letter dated 28-8-1989 by the Chief Editor, Karnataka Gazette to the Director Social Welfare Department with his opinion regarding Beda Jangam & Budga Jangam; Photostat copy of notification dated 28-8-1981 by the Karnataka Government Secretariat; Govt. of Karnataka order No.SWL/231/SAD 77 dated 13-9-1977 Govt. of Karnataka GO No.SWL/213 SAD 85 dated 23-3-1987; Petition filed by him before ALC(C), Bellary; Statement of objection filed by the second party before ALC(C), Bellary and the certified copy of the judgment of 3rd Additional JMFC, Gulbarga in CC No.2867/1987 dated 28-5-1998 as Ex.W1 to W14 respectively. After the close of the evidence of both the sides the arguments addressed by the learned advocates appearing for both sides were heard.

6. On appreciation of the necessary pleadings touching the merits/charge oral and documentary evidence brought on record by both the sides in the light of the arguments addressed by the learned advocates I arrived at the conclusion the action of the second party/management in imposing the punishment of dismissal from service of first party is not justified and that he is entitle for reinstatement with full back wages and continuity of service for the following reasons;

Reasons :

7. The facts not in dispute i.e. admitted through the pleadings are that the first party being one of the candidate sponsored by Employment Exchange, Gulbarga in connection with recruitment to the cadre of Assistant-cum-Typist against reserved vacancies under Roster System in the second party being selected and appointed in the cadre of Assistant (Typing) against reserved vacancies for Scheduled Caste category under No.SR:PER:OO:899:1978 dated 5-12-1978 and accepting the caste certificate furnished by him as 'Beda Jangama' and satisfactory completion of probation period confirmed his service w.e.f. 11-6-1979. It is claimed in the counter

statement at para 5 that following a complaint the office of Tahsildar, Govt. of Karnataka at Gulbarga caused an enquiry into the actual community status of the first party and found that he belonged to 'Jangama' community and not to the 'Beda Jangama' community which is classified as Scheduled Caste by government order and at their/second party request the office of the Tahsildar vide letter No. Rev/1992-93/147, dated 11-5-92 confirmed that he did not belong to 'Beda Jangama' community and the documents produced by him in connection with recruitment was false, but it failed to bring on record any enquiry being held by the office of Tahsildar, Gulbarga and also failed to examine a competent witness in support of letter dated 11-5-1992 as to how the office of Tahsildar came to a conclusion that he did not belong to Beda Jangama community and on the other hand the present Tahsildar, Gulbarga summoned and examined for the second party as MW5 on 28-6-2010 did not speak of any enquiry being held in this connection by any of his predecessor and also expressed his inability to say definitely whether EX.M14 i.e. caste certificate produced by the first party at the time of his appointment has been issued from his office i.e. office of the Tahsildar, Gulbarga. If at all an officer has to state that a particular certificate questioned in the proceeding is issued or not by his office he has to substantiate his opinion from some records maintained in his office. Ordinarily a person applied to a competent office for issue of caste certificate when it is issued by that office believe that same being signed by the concerned officer. In the present case it is tried to be made out that the certificate in question produced by the first party at the time of his appointment being signed by a person other than Tahsildar as such it is not certificate issued by a competent authority since such certificate has to be issued by Tahsildar alone. But with due respect to the second party no such evidence acceptable to this tribunal is brought on record this certificate being not issued by 'Tahsildar, Gulbarga'. The learned advocate appearing for second party while drawing my attention to a mark appearing by the side of the typed portion "Tahsildar, Gulbarga" below the signature seen in cross form as shown () urged that it indicates 'for' but I failed to understand how it could be read as 'for'. At the most it can be a mark made by the typist or concerned clerk as to where the Tahsildar has to put his signature. If at all now the Tahsildar office has to state that Ex. M 14 is not the copy of the certificate issued by the then Tahsildar they must have some material to say so. I can understand if a register has been maintained in the office of the Tahsildar, Gulbarga in respect of issue of caste certificate and the fact of issuing caste certificate in favour of the first party is not appearing in such register it is something to say that the certificate in question is not issued by that office. But no such evidence being brought on record by the second party, the contention of the second party that EX.M14 is not a certificate issued by the Tahsildar, Gulbarga is not acceptable. When once such certificate is issued in favour

of a person to the effect that he belongs to a certain caste categorized as Scheduled Caste by the Govt. of Karnataka unless it is cancelled by a competent authority either the enquiry officer appointed by the Disciplinary Authority or this tribunal can sit over to decide whether first party belongs to Beda Jangama community or not in view of the specific provision made by Govt. of Karnataka under its GO No. SWL 213 SAD 85 dated 23-3-1987 the copy of which has been produced at EX.W.11. As per clause 3 of this G.O the caste certificate once issued to a Scheduled Caste/Scheduled Tribe person shall be valid till it is cancelled by the authority who has issued by extending a reasonable opportunity to the candidate after initiating proceedings to cancel the caste certificate, if found wrongly issued because of mis-representation of facts or otherwise or till the member ceases to be a Scheduled Caste member by virtue of his faith or religion. In view of this specific provision it is only the authority which has issued the caste certificate in question has to cancel it and no other authority can sit over to decide whether it is right or wrong. As already adverted to by me above, no evidence being brought on record such proceedings being initiated by the office of Tahsildar, Gulbarga to cancel the certificate issued in favour of the first party the copy of which has been produced at Ex.M14 which was admittedly tendered by him at the time of his appointment the management cannot rely on any other evidence: like his school certificate as done in the present case to come to a conclusion that he do not belong to Beda Jangama community notified as Scheduled Caste by the Govt. of Karnataka. Moreover, since it is indicated from the certified copy of the judgment passed by the 3rd Additional JFMC in CC No. 2867/1987 dated 28-5-1998 that the Dy. Superintendent of Police, CID, CRE Cell, Gulbarga being moved by Second Party i.e. United India Insurance Company Ltd., Bidar filed a complaint to the P.S.I. Police chowki, Gulbarga against the first party alleging that he got his appointment as Assistant/typist by producing false caste certificate against the vacancy reserved for scheduled caste candidate and after completion of the investigation that P.S.I submitted a charge sheet to that effect for the offences punishable under Section 197, 198 and 420 of the IPC and the learned 3rd Additional JMFC registering it in CC No. 2867/87 on his file after examining the ten witnesses tendered for the prosecution and hearing the arguments of the learned public prosecutor and the defence counsel while raising the following four points —

- (1) Whether the prosecution proves beyond all reasonable doubt that, the accused herein filed application before the tahsildar Gulbarga falsely representing himself as 'Beda Jangama' and believing his declaration the Tahsildar Gulbarga has issued certificates on 5-01-1987 showing his caste as "Beda Jangama", though he is not "Beda Jangama" and he is by caste

Jangama and filed an application before the United Insurance Company and he was selected for training by the United Insurance company on the basis of the caste certificate?

(2) Whether the prosecution further proves beyond all reasonable doubt that on 28-8-1979, the accused herein was selected for the post of Typist/Assistant in United India Insurance Company on the basis of the said caste certificate which is falsely obtained by him, which is by law admissible in evidence?

(3) Whether the prosecution further proves on the aforesaid date, time and place, beyond all reasonable doubt that the accused herein obtained false caste certificate and submitted before the United Insurance Company Ltd. authorities as a true certificate which is known to be false?

(4) Whether the prosecution further proves on the aforesaid date, time and place, beyond all reasonable doubt that the accused herein cheated the Tahsildar, Gulbarga by dishonestly inducing him to deliver the caste certificate as "Beda Jangama" to him and which was the property of the Tahsil Office, capable of being converted into a valuable property?

and answering them in the negative held the prosecution having utterly failed to prove the charges, there is nothing on record to say that caste certificate produced by first party being forged and fabricated. Therefore, looking from any angle it cannot be said that EX.M14 the caste certificate produced by the first party at the time of his appointment as false, forged or fabricated. In my considered view unless the competent authority i.e. the authority who issued the caste certificate, as required under Clause 3 of G.O. No. SWL 213 SAD 85 dated 23-3-1987 after making proper enquiry cancels it on the ground that it was issued because of misrepresentation of facts or otherwise the second party cannot initiate any action on the ground that such certificate produced by him as false one. In other words in the absence of an order of cancellation of caste certificate issued in favour of first party the copy of which has been produced at EX.M14 by the very authority there was no cause of action for the second party to initiate a domestic enquiry against the first party and to investigate as to whether he belongs to such community/caste or not on complaints said to have been received by it against him. Under the circumstances I arrived at the conclusion that there is no material to accept the charge levelled against the first party that at the time of his appointment he furnished false information and document pertaining to his caste. Accordingly I arrived at the conclusion the charge levelled against the first party is baseless and second party is not justified in imposing the punishment of dismissal against him.

8. In view of my finding that second party failed to establish that first party secured the job furnishing false information and document of his caste, the order imposing the punishment of dismissal is not sustainable and he is entitle for reinstatement.

9. Now coming to the reliefs that first party is entitle to, though he has categorically stated in his claim statement that he has no other means of livelihood other than the job from which he has been dismissed and deposed to accordingly, nothing being brought on record that he being employed elsewhere after impugned punishment of dismissal I have no reason to deny him the full back wages and all other consequential benefits that he would have derived in the absence of the impugned punishment of dismissal.

10. In the result, I pass the following Award:

AWARD

The reference is allowed holding that the action of the management of M/s. United India Insurance Company Ltd., Bangalore in imposing the punishment of dismissal from service on Shri Channamallayya Swamy is not justified and that he is entitle for reinstatement, continuity of service with full back wages and other consequential benefits that he would have derived in the absence of the impugned punishment of dismissal.

(Dictated to PA transcribed by her corrected and signed by me on 20-12-2011.)

S. N. NAVALGUND, Presiding Officer

नई दिल्ली, 17 जनवरी, 2012

का.आ. 595.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/प्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 55/2003) को प्रकाशित करती है जो केन्द्रीय सरकार को 05-12-2011 को प्राप्त हुआ था।

[सं. एल-12012/210/2002-आई आर (बी-II)]
शीश राम, अनुभाग अधिकारी

New Delhi, the 17th January, 2012

S.O. 595.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. 55/2003) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government of 05-12-2011.

[No. L-12012/210/2002-IR (B-II)]
SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

Present : Shri VED PRAKASH GAUR, Presiding Officer
Dated the 7th day of July, 2011
Industrial Dispute No. 55/2003

Between :

Sri J. Narayana Reddy,
K. Locherla,
Kothacheruvu Mandal,
Anantpur-515133.Petitioner

AND

The Dy. General Manager,
Syndicate Bank,
Zonal Office, Pioneer House,
6-3-653, Somajiguda,
Hyderabad-500 482.Respondent

Appearances :

For the Petitioner : M/s. G. Vidya Sagar, K. Udayasri,
P. Sudheer Rao, B. Shiva Kumar,
T. Premchander Rao & D.
Madhusudha, Advocates

For the Respondent : M/s. A. Krishnam Raju,
G. Dinesh Kumar, G.V.N. Babu,
S. N. Premananda Rao, Advocates

AWARD

This reference was received from Government of India, Ministry of Labour bearing order No. L-12012/210/2002-IR (B-II) dated 31-3-2003 under section 10(1)(d) of the I.D. Act, 1947 to resolve the dispute between Sri. J. Narayana Reddy and management of Syndicate Bank. The term of reference is as under :

SCHEDULE

“Whether the action of the management of Syndicate Bank, Hyderabad to dismiss Shri J. Narayana Reddy, Clerk/Cashier, Moulali branch from service w.e.f. 23.5.2002 is justified and proper ? If not, what relief the workman is entitled to ?”

The reference is numbered in this Tribunal as I.D. No. 55/2003 and parties were directed to appear and file their respective statements.

2. The Petitioner workman filed claim statement alleging therein that he was appointed as clerk on 17-11-1976. He worked in various branches of the bank and discharged his duties to the satisfaction of his superiors. While discharging his duty as clerk at Moulali branch, Hyderabad he was served with a charge sheet dated 10-8-2001 and suspension letter as well. The charges were as under :

- a. That with a fraudulent intention of deriving undue pecuniary benefit for self at the cost of the customer/bank, issued/caused issuance of the withdrawal slip No. 998129 for Rs. 25000 drawn on S.B A/c No. 5740 of Sri Balaraju, issued/caused issuance of token No.25 and misappropriated Rs. 25000.
- b. That with dishonest intentions caused issuance of a withdrawal slip/.... to a person other than the A/c. Holder/person known to you and misappropriated/caused to misappropriate Rs. 200 from S.B A/c 5740 of Sri Balaraju by making the said payment to a person who is not entitled for the same and derived/caused derivation of pecuniary benefit at the cost of the Bank.
- c. That with dishonest intention of deriving undue/unlawful pecuniary benefit for self misappropriated a sum of Rs. 10000 out of Rs. 17000 handed over to you (on 14-5-2011) by a customer of the Bank for credit of his A/c. and to suppress the fraudulent act handed over a counter foil for Rs. 17000 to the customer, to make him believe that Rs. 17000 has been credited to his A/c. and falsified the bank records.”

On receipt of the charge sheet Petitioner submitted his explanation denying the charges levelled against him but, without considering his explanation an enquiry was ordered. During course of enquiry the principles of natural justice were not followed. No evidence was recorded before the Enquiry Officer. No witness was produced before Enquiry Officer to prove that the Petitioner has withdrawn Rs. 25000 through withdrawal slip No. 998129 from S.B A/c No. 5740. The withdrawal slip was not written by the Petitioner there was no other evidence to prove that Petitioner has withdrawn the amount or has pocketed the amount which was produced regarding withdrawal from A/c No. 5740. The witness stated before the Enquiry Officer that withdrawal slip was correct and it was signed by the customer himself. All these facts were not considered by the Enquiry Officer.

3. It was further alleged against the Petitioner that while working as cashier on 14-5-2001 one Mr. Krupender Reddy deposited a sum of Rs. 7000 in his SB A/c No. 14684 but he made some errors while writing in denominations. He asked the Petitioner to write the correct denomination on the reverse of the credit voucher as $50 \times 100 = 5000 + 10 \times 200 = 2000$. However, the counter foil was showing the figure as Rs. 17000/- which was remitted to the account and on the basis of that counter foil Rs. 17000 was credited in the pass book of the customer. He brought this fact to the notice of the bank that only Rs. 7000 has been credited in his account whereas Rs. 17000 has been deposited in his account, thereby the Petitioner has not credited Rs. 10000 which was later on

given to the customer by the Petitioner. Petitioner has not committed any misconduct. Finding of Enquiry Officer is based on no evidence. Petitioner was not afforded opportunity to cross-examine the witnesses. Disciplinary Authority has based his order on the finding of the Enquiry Officer which is perverse as such, it deserves to be quashed and Petitioner deserves to be reinstated in the service with all consequential benefits.

4. Counter statement has been filed by Respondent management wherein the management has contended that the enquiry was conducted in fair manner observing principles of natural justice, adequate and full opportunity was afforded to the Petitioner. It was alleged that Petitioner was working as clerk at Moulali branch. Between 19-3-2001 and 10-8-2001 he was allotted with the duty of cashier from 20-3-2001 to 26-5-2001 and again from 27-6-2001 onwards. While working so he was placed under suspension vide letter No. 1444/2001/8(WS)/IRS/80 dated 10-8-2001 for commission/omission on his part which facilitated the fraudulent withdrawal exposing the bank to serious financial loss and also for not accounting the amount received from a customer properly. Subsequently he was served with a charge sheet dated 19-12-2001 and corrigendum dated 12-1-2002. In the charge sheet he was charge sheeted with three gross misconducts which is mentioned at Para No. 2 above. Charge sheet was served on Petitioner. He filed his explanation. The explanation was not satisfactory as such, the domestic enquiry was ordered to be held. Notice was given to the Petitioner. He participated in the enquiry. Enquiry was conducted on various dates between 22-2-2002 to 13-3-2002. Petitioner participated in the enquiry along with defence representative. Management produced 44 documents and three witnesses to sustain the charges. Workman submitted the documents but did not produce any evidence on his behalf. On conclusion of the enquiry, Enquiry Officer submitted his report holding the misconducts 1, 2 and 3 were proved against the delinquent employee. The enquiry report was sent to the delinquent employee vide letter dated 22-4-2002 advising him to make submissions on the basis of which dismissal order was passed. As such, it was found that Petitioner committed fraud which was serious misconduct for which the punishment of dismissal was the only proper punishment in the case. Petitioner filed appeal which was dismissed vide proceeding dated 6-8-2002. There after this ID has been raised by the Petitioner.

5. It has further been alleged that before this action, the Petitioner was dismissed from service due to his conviction in a criminal case, but later on he was reinstated after acquittal from the Appellate Court as such, previous conduct of the Petitioner was also not very satisfactory. His increment for one year was stopped in the year 1990 while working at Anantpur branch, he was charge sheeted in the year 1993 for creating forged vouchers and he was

awarded with stoppage of one increment with cumulative effect. Further, the Petitioner was charge sheeted for the misconduct of abetting Branch Manager for accepting bribes for which he was convicted, later on from appeal he was acquitted. Thus, it can not be said that the previous conduct of the Petitioner was very fair and blemishless. The petition is devoid of any merit and deserves to be dismissed.

6. In this matter the Petitioner challenged the legality and validity of domestic enquiry, that question was decided by my Learned Predecessor who has passed an order on 20-10-2004 holding the enquiry to be legal and valid and the matter was posted for arguments under Sec. 11 A.

7. Both the parties have filed their written arguments which has been considered by this Tribunal.

8. It has been argued by the Learned Counsel for the Petitioner workman that with regard to the withdrawal of Rs. 25000 from S.B. A/c No. 5740 of Mr. B. Balaraju, as per the rules withdrawal slips are issued at the S.B account counter by the concerned clerk or supervisor after verification of the pass book. There was no evidence before the Enquiry Officer that withdrawal slip No. 998129 through which Rs. 25000 was withdrawn, has been forwarded by the Petitioner. Government Examiner of Questioned Documents has opined that the signature of the depositor is not in the hand writing of the Petitioner. Token No. 25 was issued for this withdrawal. The token Number was also not in the handwriting of the Petitioner as such, the Petitioner cannot be communicated with this transaction. The said entry was made in the handwriting of the Manager, as such, Petitioner can not be entered with the said transaction and the finding of the Enquiry Officer is perverse. The cashier duty is only to call the token number, collect the token number and pay the cash. There is no rule in the banking system that the cashier is to verify the genuineness of the instrument. The instrument in question reached the Petitioner after completion of all the formalities and verification. All these material questions were not considered by the Enquiry Officer as such, the charge No. 1 cannot be said to be proved against the Petitioner.

9. He has further argued that the Petitioner was discharging the duty as cashier on 4-5-2001. On that date Mr. Krupender Reddy deposited a sum of Rs. 7000 in SB A/c No. 14684. He filled credit slip for a sum of Rs. 7000 in words and figure. He made some error while writing in denominations. Petitioner simply requested the depositor to correct the denominations which was written as $50 \times 100 = 5000$ and $10 \times 200 = 2000$ and depositor signed on the voucher. However, the counter foil was showing that a sum of Rs. 17000 was deposited in the account. On the basis of the counter foil, the clerk in S.B. section has credited a sum of Rs. 17000 in pass book of the customer. The said customer approached the Manager and informed him that a sum of Rs. 17000 is shown as credit in his pass book but in bank records only a sum of Rs. 7000 was

credited. Then Branch Manager asked the Petitioner regarding that transaction, the Petitioner informed the Branch Manager that the mistake was committed by the customer. The alleged counter foil was not produced by the Enquiry Officer. Hence, the charges levelled against the Petitioner could not have been sustained.

10. It has further been alleged that on 24-8-2001, the customer addressed a letter to the Manager that on 24-5-2001 he went to Manager's cabin, collected his pass book and Rs. 10000 by way of cash. The cash book closed with Rs. 10000 credited to the said customer's account on 25-5-2001. The clerk of S.B. Department Sri B.A. Bandi, stated before the Enquiry Officer that on 25-5-2001, the credit slip of Rs. 10000 came from Manager's cabin. The witnesses tried to link a payment obtained by the Petitioner through the account on 25-5-2001. At the same time the counter foil was not shown to the Petitioner nor it was produced before the Enquiry Officer. Branch Manager who was eye witness to the transaction was not produced as a witness before Enquiry Officer. The Enquiry Officer has accepted the statement of two attendants who were not connected with this transaction, as such, the finding arrived at by the Enquiry Officer is perverse. The Enquiry Officer has accepted such evidence which is not admissible. It is further argued that no material witnesses were brought before the Enquiry Officer by the management thereby the case of the Petitioner become prejudiced, finding of the Enquiry Officer is perverse and no punishment of dismissal could have been passed on the basis of such a finding. Further, there is no evidence that the Petitioner worker has withdrawn Rs. 25000 and Rs. 200 on two different dates from S.B. A/c No. 5740 of Mr. B. Balaraju. The only evidence which was produced by the management was that the Petitioner being cashier on the alleged dates has dealt with those transactions and he has made the payments. The account holder was not produced by the management nor there is any witness that Petitioner himself has pocketed the money. The same way there is no evidence on record before the Enquiry Officer that the Petitioner received Rs. 17000 on 14-5-2001 from Mr. M. Krupender Reddy and Petitioner deposited only Rs. 7000 in his S.B. A/c No. 14684 and he pocketed the remaining Rs. 10000. Whatever evidence was produced by the management was hear say evidence which was not acceptable in evidence and no credence would have been given to such an evidence, as such, there was lack of evidence before the Enquiry Officer. Further it was not Petitioner who has interpolation in the deposit slip of Mr. M. Krupender Reddy and has deposited only Rs. 7000 and pocketed Rs. 10000.

11. Against the above argument of the Learned Counsel for the worker Respondent's counsel has filed written argument submitting therein that the domestic enquiry is not a civil or criminal proceeding and it does not require the same standard to prove charges as required

in criminal cases or civil cases. In the departmental proceeding it is only preponderance and probability proved by the management against any delinquent employee. He has relied upon the case law of Hon'ble Supreme Court and Hon'ble High Court to substantiate his argument. He has further argued that management witness MW1 Mr. R. Jaya Prakash who was Vigilance Officer and who has investigated the matter deposed before the Enquiry Officer. He produced 44 documents Ex.M1 to M44 and stated before the Enquiry Officer that it was the Petitioner worker who was working as cashier on 3-8-2001, on that date he has paid or withdrawn Rs. 25000 against token No. 25 which was not issued on that date to any of the customers, said token was issued on 1-8-2001. There was no entry of the token, said token number was not issued on 2-8-2001 and 3-8-2001. There was discrepancy of Rs. 25000 in the Saving Bank Accounts closing balance which was not informed by the Petitioner workman to his superiors and the matter came to light on the next date when Petitioner went on leave. He further stated that the same way Rs. 200 was withdrawn by Petitioner worker from same account. The Petitioner admitted that he has not seen the face of the person who collected the amount. He simply seen his palm and paid the amount. He did not verify the signature etc. Again MW2 Sri D. Narasimha Murthy, who was Assistant Manager has stated that at the time of the incident he was working in Scroll, Current/DD, Term Deposits, Day Book, OG 1 and on 14-5-2001 he entered in the passbook of Mr. M. Krupender Reddy a sum of Rs. 17000 which was written in the counter foil in the hand writing of the Petitioner, later on it was detected that the payment slip was for Rs. 7000. When the matter was brought before the notice of the Manager by the depositor, Petitioner reluctantly admitted that he did not deposit Rs. 10000 and assured to pay next day. Next day the Petitioner filled in the deposit slip in his own hand writing and deposited Rs. 10000 in Mr. M. Krupender Reddy's account in his presence. Thus, the non-deposit of Rs. 10000 in the account of Mr. M. Krupender Reddy on 14-5-2001 handed over to the Petitioner worker and later on returning Rs. 10000 by Petitioner depositing the same in the account of Mr. M. Krupender Reddy proved that he was the person who made interpolations in the deposit slip of Mr. M. Krupender Reddy on 14-5-2001, deposited only Rs. 7000 out of Rs. 17000 and the remaining amount was paid by him is fully proved by the evidence of MW2, as such it can not be said that the finding of the Enquiry Officer was perverse or without any evidence. Same way there is evidence of MW3 who has supported the contention or statement of MW2. Thus, the misappropriation of Rs. 10000 handed over by Mr. M. Krupender Reddy to deposit the same in his account is fully proved and management has not committed any illegality in dismissing the services of the Petitioner, as Petitioner his being an employee of banking institution from whose employees higher standard

of integrity and honesty is desirable and required because the bank employees are handling with the money of public and if such incidents will occur in the bank the faith of the people will diminish and the entire institution will collapse, thus, management was constrained to dismiss the Petitioner and there is no illegality in dismissal order of the management.

12. I have considered the above argument and I have gone through the entire material available on the record. This Tribunal has to consider:

(I) Whether the action of management of Syndicate Bank, Hyderabad in dismissing Sri J. Narayana Reddy, Clerk/Cashier, Moulali Branch from services w.e.f. 23-5-2002 is justified and proper ?

(II) To what relief if any the workman is entitled?

13. **Point No. (I)** : It is not disputed between the parties that the Petitioner workman was working as cashier on 3-8-2001 and 14-5-2001. It is also not disputed that the Petitioner has made payment of Rs. 25000 against token No. 25 and withdrawal slip from S.B. account No. 5740 of Mr. B. Balaraju. It is also not disputed that he also had made payment of Rs. 200 on 25-7-2001 from the same account of Mr. B. Balaraju. It is also not disputed that on 2-8-2001 and 3-8-2001 token No. 25 was not issued to any of the customers for collecting the withdrawal amount. Mr. M. Krupender Reddy has deposited some amount which was handed over to the Petitioner worker. According to the management Mr. M. Krupender Reddy has come to deposit a sum of Rs. 17000, however, the Petitioner has deposited only Rs. 7000. It has to be seen whether the management was able to prove that withdrawal of Rs. 25000 and Rs. 200 by the worker and receiving Rs. 17000 on 14-5-2001 from Mr. M. Krupender Reddy and deposited only Rs. 7000 in his account. I have gone through the evidence and material placed before the Enquiry Officer. The Enquiry Officer has relied on 44 documents Ex. M1 to M44. There is evidence of Vigilance Officer Mr. R. Jaya Prakash that he inquired into the matter and found that the Petitioner workman has paid Rs. 25000 from the S.B. A/c No. 5740 of Mr. B. Balaraju on 3.8.2001 which is not a disputed fact. The dispute is that whether he paid to the person concerned Mr. B. Balaraju or not. The workman has not come up with any explanation or evidence that he was not at fault or he was not a party to the fraud in withdrawing Rs. 25000 from S.B. A/c No. 5740 of Mr. B. Balaraju. Since money was paid by the Petitioner worker, his duty was to verify the correctness of the person to whom he is making payment of such huge amount who has never withdrawn such a highest amount out of his account. In the same way there is evidence of MW2 and MW3 that Petitioner has made a payment of Rs. 10000 which he did not credited to the account of Mr. M. Krupender Reddy.

14. It has been argued by the counsel for the

Petitioner that Manager who was incharge of the Branch on 14-5-2001 and 25-5-2001 has not been examined nor Mr. M. Krupender Reddy was examined in the case. There is evidence of MW3 and MW2 that Petitioner himself has deposited Rs. 10000 in the account of Mr. M. Krupender Reddy on 25-5-2001 has not been explained by the worker. If he did not deposit the amount why these two responsible employees of the bank depose against him is a mystery and that was the reason the Enquiry Officer was constrained to come to the conclusion that it was the Petitioner who has received Rs. 17000 from Mr. M. Krupender Reddy on 14-5-2001, he deposited only Rs. 7000 in the deposit slip. He overwrote zero on figure one and he was the person who made entry on the reverse of the deposit slip to show that the payment is made for Rs. 7000. This prove that the management was able to prove before the Enquiry Officer that the Petitioner workman of this case has indulged in the fraudulent activities. He received Rs. 17000 on 14-5-2001 from Mr. M. Krupender Reddy the customer of the bank for depositing the same in his account but Petitioner deposited only Rs. 7000 on that date. When enquiry was made by the depositor from the bank he was informed that only Rs. 7000 was credited in his account on 14-5-2001. Then, he has shown his pass book where Rs. 17000 was entered and upon enquiry, the Petitioner who was cashier on that date, admitted that he did not deposit Rs. 10000 and he will return the same by next date and deposited that amount on 25-5-2001 in the account of Mr. M. Krupender Reddy. This prove that the Petitioner has misappropriated that amount and he repaid the amount only after detection of fraud which is a serious misconduct. The evidence on record prove that Petitioner was person who withdrew Rs. 25000 from S.B. A/c No. 5740 of Mr. B. Balaraju and Petitioner also pocketed Rs. 10000 of Mr. M. Krupender Reddy, holder of account No. 14684 on 14-5-2001 which he deposited only on 25-5-2001. This act of commission and omission is misappropriation of funds of public as well as that of bank and thereby the Petitioner has committed grave misconduct for which the punishment of dismissal from service is the only punishment and in the opinion of this Tribunal the management has not committed any act of illegality and unjustifiability in dismissing the Petitioner from the service. This Tribunal is of the opinion that the action of the management in dismissing the Petitioner from service is just and proper. Point No. (I) is answered accordingly.

15. **Point No. (II)** : From the discussion of Point No. (I) this tribunal is of the opinion that no excessive punishment has been awarded to the Petitioner workman. He deserves no sympathy from this tribunal. He is not entitled for any relief. Point No. (II) is decided accordingly.

16. The reference is decided that the action of the management of Syndicate Bank, Hyderabad is held to be justified and proper to dismiss Sri J. Narayana Reddy,

Clerk/Cashier, Moulali branch from service w.e.f. 23-5-2002 and workman is not entitled for any relief.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 7th day of July, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner
NIL

Documents marked for the Respondent
NIL

नई दिल्ली, 17 जनवरी, 2012

का.आ. 596.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैं न्यू इंडिया एंश्योरेंस कम्पनी लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 273/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 20-12-2011 को प्राप्त हुआ था।

[सं. एल-17012/13/2000-आई आर (बी-II)]
शीश राम, अनुभाग अधिकारी

New Delhi, the 17th January, 2012

S.O. 596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 273/2000) of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. New India Assurance Company Ltd. and their workman, which was received by the Central Government on 20-12-2011.

[No. L-17012/13/2000-IR (B-II)]
SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act.
Reference No.273 of 2000.

Parties : Employers in relation to the management of M/s. New India Assurance Company Ltd.

AND

Their Workmen.

Present : Shri H. M. Singh, Presiding Officer.

APPEARANCES :

For the Employers	:	Shri S. N. Goswami, Advocate.
For the Workmen	:	None.
State : Bihar	:	Industry : Assurance

Dated, the 12th Dec., 2011

AWARD

By Order No. L-17012/13/2000-IR (B-II) dated 15-9-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial Dispute Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of M/s. New India Assurance Company Limited in terminating the services of Shri D. K. Prasad w.e.f. 12th July, 1994 is justified? If not, what relief the workman is entitled to ?”

2. This reference was fixed on 14-10-2011 for adducing evidence by the workman, but inspite of several adjournments none appeared on behalf of the concerned workman for taking any step. Registered notice was also sent on 26-5-2011 to the concerned workman, which was returned un-delivered. It, therefore, appears that the concerned workman is not interested to contest the case.

3. In view of such circumstances, I render a 'No Dispute' Award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2012

का.आ. 597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बुलधाना ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 64/2003) को प्रकाशित करती है जो केन्द्रीय सरकार को 18-01-2012 को प्राप्त हुआ था।

[सं. एल-12012/6/92-आई आर (बी-I)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 18th January, 2012

S.O. 597.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 64/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Buldhana Gramin Bank and their workman, received by the Central Government on 18-01-2012.

[No. L-12012/6/92-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/64/2003 Date : 30-12-2011.

Party No. 1 : The Chairman, Buldhana Gramin Bank, Head Office, Sangam Chowk, Buldhana, Maharashtra-443001.

Vs.

Party No. 2 : Shri Suresh N. Jagtap,
C/o. Shri Dilip Shirsat's House,
In front of John's Bungalow, Ward no. 28,
Buldhana, Maharashtra-443001.

AWARD

(Dated : 30th December, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute between the employers, in relation to the management of Buldhana Gramin Bank and their workman Shri Suresh Narayan Jagtap, for adjudication, to Central Government Industrial Tribunal, Jabalpur as per letter No.L-12012/6/92-IR (B-III) dated 25-03-1992, with the following schedule :—

"Whether the action of the management of Buldhana Gramin Bank, Buldhana, in dismissing the services of Shri Suresh Narayan Jagtap, part-time Messenger-Cum-Driver w.e.f. 29-06-1991 is legal and justified? If not, what relief the workman is entitled to?"

Subsequently, the reference was transferred to this Tribunal for disposal in accordance with law.

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Suresh Narayan Jagtap, ("the workman" in short) filed his statement of claim and the management of the Buldhana Gramin Bank ("Party No. I" in short) filed its written statement. The case of the workman is that he has studied up to 8th standard and he holds a valid licence for heavy vehicle and he was appointed on 12-10-1988 in the Buldhana Gramin Bank, Buldhana, in the capacity of Messenger-Cum-Driver on a pay of Rs. 30 per day and carried his duties very sincerely and honestly and Shri V.S. Chouhan, the then Chairman of the Bank used to engage him in his residence to perform domestic work and he was regularized in the service w.e.f. 01-04-1990 in a regular scale as a Messenger-Cum-Driver and on 16-07-1990, wife of the Chairman asked him to wash clothes, but he refused to do the same, so the Chairman threatened him to dismiss from service and one day, while he was carrying a full bucket of water from the ground floor to the second floor, he collapsed and became unconscious and

he was taken to the dispensary by the Chairman and therefore, the Chairman bore grudge against him and 01-08-1990, a letter was given to him alleging that he received bribe from one Kaneherkar and Alhat and he submitted his reply denying such allegations and stating that the allegation was totally false and by order dated 27-09-1990, the Chairman brought down his pay to 50% of the total and being aggrieved by such order, he filed a complaint before the Industrial Court, Amravati and the Chairman filed his reply in the Industrial Court, denying about the incident of 16-07-1990 and on 17-10-1990, a charge sheet was served on him on the allegation of receiving bribe of Rs. 200 and 150 from Shri Kaneherkar and Alhat respectively and pressurizing the officer, who was appointed to conduct the enquiry and he was not supplied with documents and list of witnesses along with the charge sheet and the enquiry was not conducted fairly and he was not allowed to be represented by an employee of the Central Bank of India and the principles of natural justice were not followed and the enquiry was conducted in a haphazard manner and the enquiry officer was biased and he recorded the proceeding as directed by the presenting officer and during the enquiry he was not allowed to put relevant questions to the witnesses and the enquiry officer prepared the report totally one sided and the findings are perverse and basing on such perverse report a final show cause notice was served on him on 29-06-1991 and the punishment of dismissal is shockingly disproportionate and illegal and the appeal preferred by him on 12-07-1991 was rejected by order dated 27-11-1991 and as such, the dismissal order dated 29-06-1991 is liable to be set aside and he is entitled to be reinstated in service with continuity and full back wages.

3. The party no.1 in its written statement has pleaded inter alia that the workman was appointed initially as casual worker on daily wages of Rs. 30 on 12-10-1988 and the appointment was temporary and work was given as and when required and the workman was never engaged to perform domestic work in the house of the Chairman and the question of the Chairman of having grudge against him due to his refusal to perform domestic work does not arise and by letter dated 01-08-1990, the explanation of the workman was called for as complaints were received from Kaneherkar and Alhat that the workman demanded and received illegal gratification by way of bribe with a promise to provide them regular employment in the bank and during the probation period, as the work of the workman was found most unsatisfactory, he was not confirmed in the regular full time post and though the services of the workman should have been terminated without showing any reason for such unsatisfactory performance, he was shown mercy and was not removed from service but was engaged as part time employee by order dated 27-09-1990 and on 17-10-1990, a charge sheet was issued on the allegation of acceptance of bribe and pressurizing the officer, who conducted the enquiry and

after submission of the reply by the workman, a full fledged enquiry was conducted and the request of the workman to engage an employee of the Central Bank of India was rejected as the rules do not permit the same and request of the workman for appointment of an advocate in his defence was also turned down, as he had no right to be represented by an advocate and the enquiry was conducted in a fair manner and the principles of natural justice were followed and the Chairman was staying alone at Buldhana and his family was staying at Indore and after proper and legal enquiry, the punishment of dismissal from service was imposed and the punishment is justified. The party no. I has also pleaded that the Central Government is not the appropriated Government to make the reference and it is within the jurisdiction of the Labour Court constituted under the authority of the Maharashtra Government to entertain the Industrial Dispute, if referred to it by the state government, which is the appropriated Government in this case.

4. It is necessary to mention here that after transfer of the reference to this Tribunal for disposal in accordance with law, notices were issued to the parties, in response to which the party no. I appeared. However, the workman did not appear at all. The Party No. I also on 7-4-2008 and thereafter did not appear. So the case was closed for award.

5. In this case, the workman has challenged the legality of the departmental enquiry, so the burden was on the workman to show that the departmental proceeding was illegal and unjustified, by adducing evidence. However, no oral evidence was adduced by the parties in this case. No argument was also made. Hence, the departmental enquiry conducted against the workman is held to be legal and proper and in accordance with the principles of natural justice.

6. It is well settled that when a workman raises a dispute challenging the validity of the removal from service, it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or to produce evidence, the dispute cannot be answered in his favour and he could not be entitled to any relief.

In this case in hand, the workman has failed to produce evidence in support of his claim and as such, the application cannot be answered in his favour. Therefore, the workman is not entitled to any relief. Hence, it is ordered :—

ORDER

The action of the management of Buldhana Gramin Bank, Buldhana, in dismissing the services of Shri Suresh Narayan Jagtap, Part-time Messenger-cum-Driver w.e.f. 29-06-1991 is legal and justified. The workman is not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 19 जनवरी, 2012

का.आ. 598.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुराग में केन्द्रीय सरकार सी.पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 87/07) को प्रकाशित करती है जो केन्द्रीय सरकार को 19-01-2012 को प्राप्त हुआ था।

[सं. एल-42012/82/2005-आई आर (सीएम-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 19th January, 2012

S.O. 598.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 87/07) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of CPWD, and their workmen, received by the Central Government on 19-01-2012.

[No. L-42012/82/2005-IR (CM-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/87/07

Presiding Officer : Shri Mohd. Shakir Hasan

Shri Sunil Kumar Upadhyay,
S/o Shri Ramjilal Upadhyay,
Through Shri Ramprasad Singarha,
Flat No. 114, Singarha Mohalla,
Near Pachmatha, Garha,
Jabalpur.

... Workman

Versus

The Executive Engineer (Electrical),
CPWD, B.C.E.D, Nirman Sadan,
CGO Complex,
Bhopal

... Management

AWARD

Passed on this 19th day of December, 2011

I. The Government of India, Ministry of Labour vide its Notification No. L-42012/82/2005-IR (CM-II) dated 7-9-2007 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Executive Engineer (Electrical), CPWD in terminating the services of Shri Sunil Kumar Upadhyay w.e.f. 18-1-2004 is legal and justified ? If not, to what relief is the workman entitled ?”

2. The case of the workman, in short, is that he was initially appointed as Pump Operator on 22-3-2003 by oral order. Subsequently Shri Neelesh Mishra, Junior Engineer issued an order dated 1-6-2003 whereby he was directed to perform duty of Pump Operator even on Sunday and other holidays. However he was not paid salary but when he demanded salary for the period he worked in the department, he was terminated orally on 18-1-2004 without assigning any reason. He had worked more than 240 days in a calendar year and he was terminated without complying the provision of Section 25-F of the Industrial dispute Act, 1947. It is submitted that the workman be reinstated with back wages.

3. The management appeared and filed Written Statement in the case. The case of the management, inter alia is that the workman was never engaged/appointed by the department against any post. It is stated that M/s. Avon Electrical Works entered into an agreement with the department for electrical maintenance of the Income Tax Colony. He was employed by the said contractor. This fact was admitted by the alleged workman in his legal notice given to the department. The contractor had removed him from service w.e.f. 19-1-2004. This fact is also admitted by the alleged workman in his another legal notice. He has never engaged by the department and therefore the question to regularize him in the service does not arise. It is submitted that the alleged workman is not entitled to any relief.

4. On the pleadings of both the parties, the following issues are framed for adjudication—

- I. Whether Shri Sunil Kumar Upadhyay was employed by the management/non-applicant ?
- II. If so, whether the action of the management in terminating the services of Shri Sunil Kumar Upadhyay w.e.f. 18-1-2004 is justified?
- III. To what relief the workman is entitled?

5. The management after filing Written Statement became absent, as such the proceeding proceeded ex parte against the management on 5-5-2011.

6. Issue No. I

According to the workman, he was employed by the management whereas the management states that he was employed by M/s. Avon Electrical works who was a contractor. The workman has stated in his evidence that he was orally appointed and thereafter Shri Neelesh Mishra, Jr. Engineer had given order to work as Pump Operator on 1-4-2003. The said order is not filed. In absence of the documentary evidence, the oral evidence is not sufficient to rely. The workman has admitted a legal notice filed by the management which is marked as Exhibit M/1. Exhibit M/1 is legal notice dated 7-1-04 given on behalf of the workman to the management. The said notice clearly states that he was engaged by M/s. Avon Electrical Works

as employee on 14-12-2000. He was paid wages by the said contractor. This legal notice is admitted by the workman. This clearly shows that he was employee of the contractor M/s. Avon Electrical works and not of the management. It is evident that there was no relationship of employer and employee between the management and the alleged workman. This issue is decided against the workman and in favour of the management.

7. Issue No. II & III

On the basis of discussion, it is clear that there is no question to terminate the services of Shri Sunil Kumar Upadhyay by the management when he was employee of M/s. Avon Electrical Works. As such he is not entitled to any relief. Accordingly the reference is answered.

8. In the result, the award is passed without any order to costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules .

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 19 जनवरी, 2012

का.आ. 599.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 79/02) को प्रकाशित करती है जो केन्द्रीय सरकार को 19-01-2012 को प्राप्त हुआ था ।

[सं. एल-22012/142/2001-आई आर (सीएम-II]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 19th January, 2012

S.O. 599.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 79/02) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Western Coalfields Ltd., and their workmen, received by the Central Government on 19-01-2012.

[No. L-22012/142/2001-IR (CM-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/79/02

Presiding Officer : Shri Mohd. Shakir Hasan

Shri Sk. Ishak

S/o Shri Karim,

Chandametta Mangli Bazar,

PO Chandametta,

Chhindwara

...Workman

Versus

The General Manager,
Western Coalfields Ltd.,
Pench Area, PO Parasia,
Chhindwara
...Management

AWARD

Passed on this 8th day of December, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/142/2001-IR (CM-II) dated 29-5-2002 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Sub Area Manager, Newton Sub Area c/o VCL, Pench Area, PO Parasia, Distt. Chhindwara (MP) in terminating the services of Shri Sk. Ishak, S/o. Karim, D.P.R.T. No. 394, Mahadeopuri Mine of WCL w.e.f. 2-6-92 is legal and justified ? If not, to what relief the workman entitled ?”

2. The workman appeared in person in the proceeding on 17-8-05. Thereafter he became absent. Lastly the then Tribunal proceeded the reference ex parte against the workman on 3-3-2008.

3. The case of the management in short is that the workman was habitual absentee unauthorisedly without permission and without sanction of leave. In the year 1990, he was only 101 days in attendance and in the year 1991 he was only 26 days on attendance. He was chargesheeted on 18-2-2002 under the provision of standing orders. When no satisfactory reply was received, the competent authority initiated departmental enquiry. Shri M.L. Chourasia, the then Dy. Personnel Manager was appointed as Enquiry Officer and Shri G.G. Vyas was appointed as Management Representative. Both the parties appeared in the departmental enquiry. The workman submitted to engage Shri Jeewanlal as his co-worker which was allowed. Thereafter several dates were fixed but the delinquent workman or his co-worker did not appear. Lastly the Enquiry Officer proceeded ex parte against the workman. After enquiry, he was found guilty of the charges. The Disciplinary Authority issued again showcause with enquiry report to the workman. When no response was received, the Disciplinary Authority passed the order of termination vide order No. 2127 dated 26-9-92. It is stated that the full opportunity was given to the workman to defend himself. It is submitted that the workman is not entitled to any relief.

4. The following issues are framed for adjudication—

- I. Whether the departmental enquiry conducted by the management against the workman is just, proper and legal?
- II. Whether the management be allowed to prove misconduct in Court?

III. Whether the punishment awarded to the workman by the management is just and proper ?

IV. To what relief the workman is entitled ?

5. Issue No. I & II

The issues are taken up finally as the proceeding is ex parte against the workman. The management has examined oral and documentary evidence. The management witness Shri I.M.B. Kumbhare has supported the case of the management. He has stated that the workman was habitual absentee. He was chargesheeted and the departmental proceeding was initiated against him. The workman appeared in the proceeding and submitted his application for co-worker. His application is Exhibit-3. The said application was allowed but on subsequent dates, neither the workman nor his co-worker appeared inspite of notice. Lastly the Enquiry Officer proceeded ex parte and found him guilty of the charges. The Enquiry Officer submitted his report. The Competent Authority agreed with the finding of the Enquiry Officer and therefore showcause notice with enquiry report was issued to the workman but there was no response of the workman. The Competent Authority thereafter passed the order of termination which is Exhibit M/5. His evidence clearly shows that full opportunity was given to the workman to defend himself. His evidence is unrebutted. There is no reason to disbelieve his evidence. I find that the departmental enquiry conducted by the management against the workman is just, legal and proper and there is no need to lead evidence to prove misconduct by the management. These issues are decided in favour of the management.

6. Issue No. III

On perusal of the record, it is clear that the workman was habitual absentee. There is no perversity in the finding. I do not find any reason to interfere in the punishment awarded by the management. Accordingly this issue is decided in favour of the management.

7. Issue No. IV

On the basis of discussion made above, I find that the workman is not entitled to any relief. The reference is accordingly decided.

8. In the result, the award is passed without any order to costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 27 जनवरी, 2012

का.आ. 600.—जबकि केन्द्रीय सरकार का यह विचार है कि रेल मंत्रालय, रेल बोर्ड के प्रबंधन के संबंध में नियोक्ताओं और इसके

माथ उपाबद्ध अनुसूची में विनिर्दिष्ट मामलों के पंबंध में उनके कामगारों के बीच एक औद्योगिक विवाद विद्यमान है;

और जबकि केन्द्रीय सरकार ने दिनांक 24-03-2011 के पत्र द्वारा उपर्युक्त विवाद को संदर्भित करने से इंकार कर दिया था;

और जबकि केन्द्रीय सरकार ने उपर्युक्त विवाद पर पुनर्विचार किया है तथा इसे न्याय निर्णयन हेतु संदर्भित करने की इच्छुक है;

और जबकि इस विवाद में राष्ट्रीय महत्व का प्रश्न शामिल है, अतः केन्द्रीय सरकार का यह विचार है कि उक्त विवाद का राष्ट्रीय न्यायाधिकरण द्वारा न्याय-निर्णयन किया जाना चाहिए;

अतः, अब केन्द्रीय सरकार औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7 खं द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा एक राष्ट्रीय न्यायाधिकरण का गठन करती है जिसमें मुख्यालय मुम्बई में होगा तथा न्यायमूर्ति श्री गौरी शंकर सराफ को इसके पीठासीन अधिकारी के रूप में नियुक्त करती है और उक्त अधिनियम की धारा 10 की उप-धारा (1-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उक्त विवाद को न्याय-निर्णयन हेतु राष्ट्रीय औद्योगिक न्यायाधिकरण को संदर्भित करती है। उक्त राष्ट्रीय न्यायाधिकरण तीन माह की अवधि के अंदर अपना पंचाट देगा।

अनुसूची

‘क्या यूनियन, ऑल इंडिया लोको रनिंग स्टाफ एसोसिएशन की (1) असिस्टेंट लोको पायलटों, लोको पायलटों (शटिंग), लोको पायलट (गुड्स) और लोको पायलट (यात्री) तथा लोको पायलट (मैल) को क्रमशः 2800 रुपये, 4200 रुपये 4800 रुपये और 5400 रुपये का ग्रेंड वेतन प्रदान करने; (2) आर ए सी 1981 फार्मूले के आधार पर किलोमीटर भत्ता दर निर्धारित करने; (3) लोको रनिंग स्टाफ के सभी संवगों को ओडीएस भत्ता प्रदान करने; और (4) एचआईआर के पुनरीक्षण की मांगें विधिसम्मत और न्यायोचित हैं। यूनियन किस राहत की हकदार है।’

[सं. एल-41011/128/2010-(आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 27th January, 2012

S.O. 600.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Ministry of Railways, Railway Board, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And Whereas the Central Government declined reference of the dispute vide letter dated 24-03-2011;

And Whereas the Central Government reconsidered the dispute and desires to refer it for adjudication;

And Whereas the dispute involves question of national importance, the Central Government is of the opinion that the said dispute should be adjudicated by the National Tribunal;

Now therefore the Central Government, in exercise of the powers conferred by Section 7B of the Industrial Dispute Act, 1947 (14 of 1947), hereby constitutes a National Tribunal with Headquarters at Mumbai and appoints Justice Shri Gauri Shankar Sarraf as its Presiding Officer and in exercise of the powers conferred by sub-section (1A) of Section 10 of the said Act, hereby refers the said dispute for adjudication to the National Industrial Tribunal. The said National Tribunal shall give its award within a period of three months.

SCHEDULE

“Whether the demands of the Union, All India Loco Running Staff Association for (i) grant of Grade pay of Rs. 2800, Rs. 4200, Rs. 4800, and Rs. 5400 to Assistant Loco Pilots, Loco Pilots (Shunting), Loco Pilot (Goods) and Loco Pilot (Passenger) and Loco Pilot (Mail) respectively; (ii) determining the rate of Kilometer allowance based on RAC 1981 formula, (iii) grant of ODS allowance to all cadres of Loco Running Staff and (iv) revision of HOER, is legal and justified? To what relief the union is entitled?”

[No. L-41011/128/2010-IR (B-1)]

RAMESH SINGH, Desk Officer